

Electronically Filed
Feb 13 2018 02:16 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

1 **ANOT**
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 Respondent
15 **Clark County Coroner/Medical Examiner**

DISTRICT COURT
CLARK COUNTY, NEVADA

10 LAS VEGAS REVIEW JOURNAL,)
11)
12 Petitioner,)
13)
14 vs.)
15 CLARK COUNTY OFFICE OF THE)
16 CORONER/MEDICAL EXAMINER,)
17)
18 Respondent.)

Case No: A-17-758501-W
Dept. No: XXIV

NOTICE OF APPEAL

17 Notice is hereby given that the Clark County Office of the Coroner/Medical Examiner,
18 respondent above named, hereby appeals to the Supreme Court of Nevada from the ORDER
19 GRANTING PETITIONER LVRJ'S MOTION FOR ATTORNEY'S FEES AND COSTS
20 RESULTING FROM A PUBLIC RECORDS ACT APPLICATION PURSUANT TO NEV.
21 REV. STAT. § 239.001/PETITION FOR WRIT OF MANDAMUS entered in this action on
22 February 1, 2018.

23 DATED this 5 day of February, 2018.

24 STEVEN B. WOLFSON
25 DISTRICT ATTORNEY

26 By: 
27 LAURA C. REHFELDT
28 District Attorney
State Bar No. 005101
500 South Grand Central Pkwy. 5th Flr.
Las Vegas, Nevada 89155-2215
Attorney for Respondent

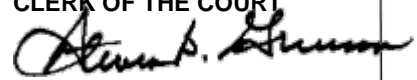
Clark County Coroner Medical Examiner

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Office of the Clark County District Attorney and that on this 5 day of February, 2018, 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**
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 Respondent
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
 701 East Bridger Avenue #520
 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 November 29, 2017 the
20 LVRJ filed a Motion for Attorney's Fees and Costs against the Appellants as a result of a
21 favorable ruling it received in its Public Records Act Application Pursuant to NRS §
22 239.001/Petition for Writ of Mandamus ("Petition") was filed by the Las Vegas Review
23 Journal ("LVRJ") against the Coroner.

24 **10. Provide a brief description of the nature of the action and result in the district**
25 **court, including the type of judgment or order being appealed and the relief granted by**
26 **the district court:** This case involves a public records request under NRS 239.011 by the
27 LVRJ to the Coroner for reports of autopsies of children from January 2012 to April 2017. The
28 matter was briefed and heard before the Eighth Judicial District Court, Department XXIV. On

1 November 9, 2017, an Order Granting Petitioner LVRJ's Public Records Act Application to
2 Nev. Rev. Stat. § 239.001/Petition for Writ of Mandamus was entered granting the relief
3 requested in the Petition and requiring that the autopsy reports be provided on a rolling basis,
4 but no later than December 28, 2017. The Appellant has appealed this ruling to the Nevada
5 Supreme Court (Case 74604). On November 29, 2017, the LVRJ filed a Motion for Attorney's
6 Fees and Costs. The matter was briefed and heard by the District Court, and on January 11,
7 2018, the District Court granted the motions and ordered Appellant to pay \$31,552.50 in
8 attorney's fees and \$ 825.02 in costs to the LVRJ. This order was entered on February 1, 2018
9 and it is this order granting attorney's fees and costs that Appellant is now appealing.

10 **11. Indicate whether the case has previously been the subject of an appeal to or**
11 **original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court**
12 **docket number of the prior proceeding:** Currently before the Nevada Supreme Court is the
13 case of Clark County Coroner Medical Examiner v. Las Vegas – Review Journal, Case No.
14 74604. That case involves the appeal of the District Court's order entered on November 9,
15 2017.

16 **12. Indicate whether this appeal involves child custody or visitation:** No.

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

19 DATED this 5 day of February, 2018.


20 STEVEN B. WOLFSON
21 DISTRICT ATTORNEY

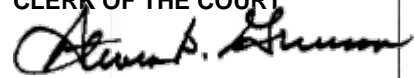
22 By: 
23 LAURA C. REHFELDT
24 District Attorney
25 State Bar No. 005101
26 500 South Grand Central Pkwy, 5th Flr.
27 P. O. Box 552215
28 Las Vegas, Nevada 89155-2215
Attorney for Respondent
Clark County Coroner Medical Examiner

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Office of the Clark County District Attorney and that on this 5 day of February, 2018, I served a true and correct copy of the foregoing **CASE APPEAL STATEMENT** 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 **REQT**
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/Medical Examiner**

16 DISTRICT COURT
17 CLARK COUNTY, NEVADA

18 LAS VEGAS REVIEW JOURNAL,)
19)
20 Petitioner,)
21)
22 vs.)
23)
24 CLARK COUNTY OFFICE OF THE)
25 CORONER/MEDICAL EXAMINER,)
26)
27 Respondent.)
28)

Case No: A-17-758501-W
Dept. No: XXIV

29 **REQUEST FOR TRANSCRIPT OF PROCEEDINGS**

30 TO: BILL NELSON, Court Reporter, Department XXIV

31 Appellant Clark County Office of the Coroner/Medical Examiner requests preparation
32 of a transcript of the proceedings before the district court as follows:


- 33 1. Judge or officer hearing the proceeding: The Hon. Jim Crockett, District Court
34 Judge.
- 35 2. Specific individual dates of proceedings for which transcripts are being
36 requested: September 28, 2017, 900 a.m. calendar and January 11, 2018, 9:00 a.m. calendar.
- 37 3. Specific portions of the transcript being requested: All of transcripts on those
38 selected dates.
- 39 4. Number of copies required: Two

1 I hereby certify that on 1 day of February, 2018, I ordered the transcript listed
2 above from the court reporter named herein. Clark County has an account with the court
3 reporter so no deposit is required.

4 DATED this 1 day of February, 2018.

5 Respectfully submitted,


6 STEVEN B. WOLFSON
7 DISTRICT ATTORNEY

8 By: 
9 LAURA C. REMFELDT
10 District Attorney
11 State Bar No. 005101
12 500 South Grand Central Pkwy. 5th Flr.
13 P. O. Box 552215
14 Las Vegas, Nevada 89155-2215
15 Attorney for Defendant
16 **Clark County Coroner /Medical**
17 **Examiner**
18
19
20
21
22
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25
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27
28

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I am an employee of the Office of the Clark County District Attorney and that on this 1 day of February, 2018, I served a true and correct copy of the foregoing **REQUEST FOR TRANSCRIPT OF PROCEEDINGS** (United States District Court Pacer System or the Eighth Judicial District Wiznet), by e-mailing the same to the following recipients. Service of the foregoing document by e-mail is in place of service via the United States Postal Service.

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

DEPARTMENT 24
CASE SUMMARY
CASE NO. A-17-758501-W

Las Vegas Review-Journal, Plaintiff(s)

vs.

**Clark County Office of the Coroner/ Medical Examiner,
Defendant(s)**

§
§
§
§
§
§

Location: **Department 24**
Judicial Officer: **Crockett, Jim**
Filed on: **07/17/2017**
Cross-Reference Case **A758501**
Number:
Supreme Court No.: **74604**

CASE INFORMATION

Statistical Closures

11/09/2017 Stipulated Judgment

Case Type: **Writ of Mandamus**

Case Flags: **Appealed to Supreme Court**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-17-758501-W
Court Department 24
Date Assigned 07/17/2017
Judicial Officer Crockett, Jim

PARTY INFORMATION

Plaintiff

Las Vegas Review-Journal

Lead Attorneys
McLetchie, Margaret A.
Retained
702-728-5300(W)

Defendant

Clark County Office of the Coroner/ Medical Examiner

Rehfeldt, Laura C
Retained
702-455-4761(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

07/17/2017



Petition

Filed by: Plaintiff Las Vegas Review-Journal
*Public Records Act Application Pursuant to NRS 239.001/ Petition for Writ of Mandamus
Expedited Matter Pursuant to Nev. Rev. Stat. 239.011*

07/17/2017



Exhibits

Filed By: Plaintiff Las Vegas Review-Journal
*Appendix of Exhibits in Support of Public Records Act Application Pursuant to NRS 239.001/
Petition for Writ of Mandamus Expedited Matter Pursuant to Nev. Rev. Stat. 239.011*

07/17/2017



Initial Appearance Fee Disclosure

Filed By: Plaintiff Las Vegas Review-Journal
Initial Appearance Fee Disclosure (NRS Chapter 19)

07/18/2017



Summons

Filed by: Plaintiff Las Vegas Review-Journal
Summons - Civil

08/04/2017



Stipulation and Order

Filed by: Plaintiff Las Vegas Review-Journal
Stipulation and Order Regarding Briefing Schedule

08/04/2017



Notice of Entry of Order

Filed By: Plaintiff Las Vegas Review-Journal

DEPARTMENT 24
CASE SUMMARY
CASE NO. A-17-758501-W

Notice of Entry of Order

08/17/2017



Memorandum

Filed By: Plaintiff Las Vegas Review-Journal

Memorandum in Support of Application Pursuant to Nev. Rev. Stat. 239.001/ Petition for Writ of Mandamus/ Application for Declaratory and Injunctive Relief

08/17/2017



Declaration

Filed By: Plaintiff Las Vegas Review-Journal

Attorney Margaret A. McLetchie's Declaration in Support of Memorandum in Support of Application Pursuant to Nev. Rev. Stat. 239.001/ Petition for Writ of Mandamus/ Application for Declaratory and Injunctive Relief

08/30/2017



Response

Filed by: Defendant Clark County Office of the Coroner/ Medical Examiner

Response to Petition and Memorandum Supporting Writ for Mandamus for Access to Autopsy Reports of Juvenile Deaths

09/07/2017



Reply

Filed by: Plaintiff Las Vegas Review-Journal

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

09/25/2017



Supplement

Filed by: Plaintiff Las Vegas Review-Journal

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

09/28/2017



Petition for Writ of Mandamus (9:00 AM) (Judicial Officer: Crockett, Jim)

Plaintiff's Petition for Writ of Mandamus

11/09/2017



Order

Filed By: Plaintiff Las Vegas Review-Journal

Order Granting Petitioner LVRJ's Public Records Act Application Pursuant to Nev. Rev. Stat. 239.001/ Petition for Writ of Mandamus

11/09/2017



Notice of Entry of Order

Filed By: Plaintiff Las Vegas Review-Journal

Notice of Entry of Order

11/28/2017



Notice of Appeal

Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner

Notice of Appeal

11/28/2017



Case Appeal Statement

Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner

Case Appeal Statement

11/29/2017



Motion for Attorney Fees and Costs

Filed By: Plaintiff Las Vegas Review-Journal













Petitioner Las Vegas Review-Journal's Motion for Attorney's Fees and Costs

11/29/2017





Motion to Stay

DEPARTMENT 24
CASE SUMMARY
CASE NO. A-17-758501-W

	Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Defendant's Motion for Stay of District Court Order and Order Shortening Time</i>
12/06/2017	 Opposition to Motion Filed By: Plaintiff Las Vegas Review-Journal <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 Filed by: Defendant Clark County Office of the Coroner/ Medical Examiner <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>
12/14/2017	 Opposition to Motion Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Respondent's Opposition to Las Vegas Review-Journal's Motion for Attorneys' Fees and Costs</i>
01/04/2018	 Reply to Opposition Filed by: Plaintiff Las Vegas Review-Journal <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>
01/11/2018	 Order Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <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 Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Notice of Entry of Order</i>
01/29/2018	 Motion to Stay Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Respondent's Motion for Stay of District Court Order and Order Shortening Time</i>
02/01/2018	Order (Judicial Officer: Crockett, Jim) Debtors: Clark County Office of the Coroner/ Medical Examiner (Defendant) Creditors: Las Vegas Review-Journal (Plaintiff) Judgment: 02/01/2018, Docketed: 02/01/2018 Total Judgment: 32,377.50
02/01/2018	 Order Filed By: Plaintiff Las Vegas Review-Journal <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 Filed By: Plaintiff Las Vegas Review-Journal <i>Notice of Entry of Order</i>
02/01/2018	 Request

DEPARTMENT 24
CASE SUMMARY
CASE NO. A-17-758501-W

	Filed by: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Request for Transcript of Proceedings</i>	
02/05/2018	 Notice of Appeal Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Notice of Appeal</i>	
02/05/2018	 Case Appeal Statement Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Case Appeal Statement</i>	
03/22/2018	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>	

DATE

FINANCIAL INFORMATION

Defendant Clark County Office of the Coroner/ Medical Examiner		
Total Charges		48.00
Total Payments and Credits		48.00
Balance Due as of 2/8/2018		0.00
 Plaintiff Las Vegas Review-Journal		
Total Charges		270.00
Total Payments and Credits		270.00
Balance Due as of 2/8/2018		0.00

DISTRICT COURT CIVIL COVER SHEET

County, Nevada
 Case No. **A-17-758501-W** Department 24
(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone): <div style="text-align: center;">The Las Vegas Review-Journal c/o McLetchie Shell LLC 701 East Bridger Avenue, Suite 520; Las Vegas, NV 89101 (702) 728-5300</div>	Defendant(s) (name/address/phone): <div style="text-align: center;">Clark County Office of the Coroner/Medical Examiner 1704 Pinto Lane Las Vegas, Nevada 89106 (702) 455-3210</div>
Attorney (name/address/phone): <div style="text-align: center;">Margaret A. McLetchie and Alina M. Shell McLetchie Shell LLC 701 East Bridger Avenue, Suite 520; Las Vegas, NV 89101 (702) 728-5300</div>	Attorney (name/address/phone): <div style="text-align: center;">Mary-Anne Miller and Laura Rehfeldt Clark County District Attorney's Office, Civil Division 500 S. Grand Central Parkway Las Vegas, Nevada 89106 (702) 671-2500</div>

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

Civil Case Filing Types

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

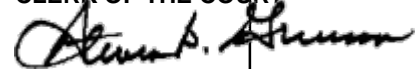
Business Court filings should be filed using the Business Court civil coversheet.

07/17/2017

Date

Signature of Initiating party or representative

See other side for family-related case filings.



1 **ORDR**
2 MARGARET A MCLEATCHIE, Nevada Bar No. 10931
3 ALINA M. SHELL, Nevada Bar No. 11711
4 **MCLEATCHIE SHELL LLC**
5 701 East Bridger Ave., Suite 520
6 Las Vegas, Nevada 89101
7 Telephone: (702) 728-5300; Fax: (702) 425-8220
8 Email: maggie@nvlitigation.com
9 *Counsel for Petitioner*

10 **DISTRICT COURT**

11 **CLARK COUNTY NEVADA**

12 LAS VEGAS REVIEW-JOURNAL,

Case No.: A-17-758501-W

13 Petitioner,

Dept. No.: XXIV

14 vs.

15 **ORDER GRANTING PETITIONER**
16 **LAS VEGAS REVIEW-JOURNAL'S**
17 **MOTION FOR ATTORNEY'S FEES**
18 **AND COSTS**

19 CLARK COUNTY OFFICE OF THE
20 CORONER/MEDICAL EXAMINER,

21 Respondent.

22 The Las Vegas Review-Journal's Motion of Attorney's Fees and Costs, having
23 come on for hearing on January 11, 2018, the Honorable Jim Crockett presiding, Petitioner
24 Las Vegas Review-Journal (the "LVRJ") appearing by and through its counsel, Margaret A.
25 McLetchie, and Respondent Clark County Office of the Coroner/Medical Examiner
26 ("Coroner's Office") appearing by and through its counsel, Laura C. Rehfeldt, and the Court
27 having read and considered all of the papers and pleadings on file and being fully advised,
28 and good cause appearing therefor, the Court hereby makes the following findings of fact
and conclusions of law:

///

///

///

///

///

I.

PROCEDURAL HISTORY AND FINDINGS OF FACT

The Records Request and The Coroner's Office's Response

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." 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.

4. 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.

5. 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.

6. The Coroner's Office did not assert any other basis for withholding records within five (5) business days.

7. 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.

8. On May 23, 2017, counsel for the LVRJ wrote to the Coroner's Office to address concerns with the Coroner's Office's refusal to provide access to any of the requested juvenile autopsy reports.

9. On May 26, 2017, the Coroner's Office (via the District Attorney) responded to the May 23, 2017 letter, again relying on the legal analysis in AGO 82-12 to justify non-disclosure, and agreed to consider providing redacted versions of autopsies of juveniles if the LVRJ provided a specific list of cases it wished to review.

10. In its May 26, 2017 response, the Coroner's Office for the first time also asserted that the records may be protected by Nev. Rev. Stat. § 432B.407 and that privacy interests outweighed public disclosure.

11. The LVRJ provided the Coroner's Office with a list of specific cases it wanted reports for via email on May 26, 2017.

12. The Coroner's Office responded to the May 26, 2017 email on May 31, 2017.

13. In its May 31, 2017 response, the Coroner's Office stated that responsive records were "subject to privilege will not be disclosed" and that it would also redact other records. However, it did not assert any specific privilege.

14. The Coroner's Office also asked the LVRJ to specify the records it wanted to receive first, which the LVRJ did on June 12, 2017.

15. On July 9, 2017, in a response to a further email from the LVRJ inquiring on the status of the records, the Coroner's Office indicated it would not produce any records that pertained to any case that was subsequently handled by a child death review team pursuant to Nev. Rev. Stat. § 432B.407. By that time, the Coroner had determined which cases were not handled by the child death review team and provided a list to the LVRJ.

16. On July 11, 2017, the Coroner's Office provided sample files of redacted autopsy reports for other autopsies of juveniles that were not handled by a child death review team. The samples files were heavily redacted; the Coroner's Office asserted that the 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 17. 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 ***The Litigation***

14 18. On July 17, 2017, the LVRJ filed its Application Pursuant to Nev. Rev.
15 Stat. § 239.001/Application for Writ of Mandamus/Application for Declaratory and
16 Injunctive Relief ("Application"), and requested expedited consideration pursuant to Nev.
17 Rev. Stat. § 239.011(2).

18 19. On August 17, 2017, the LVRJ submitted a Memorandum in support of its
19 Application. The Coroner's Office submitted its Response on August 30, 2017, asserting a
20 number of arguments against production of the public records. The LVRJ submitted its
21 Reply on September 7, 2017.

22 20. The Court held a hearing on the LVRJ's Application on September 28,
23 2017.

24 21. Subsequently, on November 9, 2017, the Court entered an order rejecting
25 each of the Coroner's Office's arguments and granting the LVRJ's Application, requiring
26 the Coroner's Office to produce the requested records. The Court also ordered that the
27 Coroner's Office was not entitled to any fees or costs for the record, other than the medium
28 the records were to be electronically provided on.

The LVRJ's Motion for Attorney's Fees and Costs

22. On November 29, 2016. The LVRJ filed a Motion for Attorney's Fees and Costs pursuant to Nev. Rev. Stat. § 239.011(2).

23. In its Motion and supporting exhibits, the LVRJ requested compensation at the following rates for work performed by its attorneys and support staff:

Attorney/Biller	Hours	Billing Rate	Total Billed
Margaret A. McLetchie	27.9	\$450.00	\$12,465.00 ¹
Alina M. Shell	51.3	\$350.00	\$17,220.00 ²
Leo Wolpert	2.1	\$175.00	\$367.50
Pharan Burchfield	8.9	\$150.00	\$1,335.00
Administrative Support	6.6	\$25.00	\$165.00
		Total Fees Requested	\$31,552.50

24. The LVRJ also requested \$825.02 in costs associated with the litigation, for a combined total request for \$32,377.52 in fees and costs.

25. The LVRJ provided detail for the work performed, as well as declarations supporting the reasonableness of the rates and the work performed.

26. The Coroner's Office filed an Opposition to the LVRJ's Motion on December 14, 2017, and the LVRJ filed a Reply on January 4, 2018.

27. In its Opposition, the Coroner's Office asserted that pursuant to Nev. Rev. Stat. § 239.012—a provision of the NPRA which provides immunity from damages for public officers who act in good faith in disclosing or refusing to disclose records—the LVRJ had to establish the Coroner's Office acted in bad faith in refusing to disclose the requested

¹ This total reflected voluntary reductions for some time entries, made by counsel for the LVRJ in her billing discretion.

² See *supra* n.1.

records to obtain attorney's fees and costs.

28. Alternatively, the Coroner's Office argued the fees and costs sought by counsel for the LVRJ should be apportioned and reduced, largely relying on case law regarding prevailing market rates from federal cases (including Prison Litigation Reform Act case law).

29. This Court conducted a hearing on the LVRJ's Motion on January 11, 2018.

II.

CONCLUSIONS OF LAW

Legal Standard for the Recovery of Attorney's Fees in NPRA Cases

30. Recovery of attorney fees as a cost of litigation is permissible by agreement, statute, or rule. *See Sandy Valley Assocs. v. Sky Ranch Estates Owners Ass'n*, 117 Nev. 948, 956, 35 P.3d 964, 969 (2001).

31. In this case, recovery of attorney's fees is authorized by the NPRA, which provides in pertinent part that "[i]f the requester prevails [on a petition for public records], the requester is entitled to recover his or her costs and reasonable attorney's fees in the proceeding from the governmental entity whose officer has custody of the book or record." Nev. Rev. Stat. § 239.011(2).

32. Thus, pursuant to Nev. Rev. Stat. § 239.011(2) (the "Fees Statute"), a prevailing party (in this case, the LVRJ) is entitled to its reasonable fees and costs.

33. The Fees Statute is explicit and plain. There is no limitation on the entitlement to fees it contains other than the fact that the fees and costs be "reasonable." The Fees Statute does not have any language requiring a prevailing requester to demonstrate that a public officer or employee acted in bad faith in refusing to disclose public records.

34. The fact that a separate statute, § 239.012 (the "Damages Immunity Statute"), provides for immunity for good faith actions of public officers of employees in responding to NPRA requests does not change the interpretation of the Fees Statute for multiple reasons.

35. First, as set forth above, the language of the Fees Statute is plain: if a requester prevails in an action to obtain public records, “the requester is entitled to recover his or her reasonable costs and attorney’s fees in the proceeding from the governmental entity whose officer has custody of the book or record.” Nev. Rev. Stat. § 239.011(2). The Fees Statute does not require a requester to demonstrate a governmental entity acted in bad faith; it only requires that the requester prevail.

36. Because the Fees Statute is clear on its face, this court “cannot go beyond the statute in determining legislative intent.” *State v. Lucero*, 127 Nev. 92, 95, 249 P.3d 1226, 1228 (2011) (citation and internal quotation marks omitted); *see also Robert E. v. Justice Court*, 99 Nev. 443, 445, 664 P.2d 957, 959 (1983) (same); *see also State v. Catanio*, 120 Nev. 1030, 1033, 102 P.3d 588, 590 (2004) (“We must attribute the plain meaning to a statute that is not ambiguous.”); *see also Coast Hotels & Casinos, Inc. v. Nevada State Labor Comm’n*, 117 Nev. 835, 840, 34 P.3d 546, 550 (2001) (“When the language of a statute is plain and unambiguous, a court should give that language its ordinary meaning and not go beyond it.”)

37. Second, the separate Damages Immunity Statute only provides for immunity from *damages*—not immunity from fees. *See* Nev. Rev. Stat. § 239.012 (specifying that a public officer or his or her employer are “immune from liability for damages, either to the requester or to the person whom the information concerns”). Damages and fees are different. *See, e.g., Sandy Valley Assocs. v. Sky Ranch Estates Owners Ass’n*, 117 Nev. 948, 956 35 P.3d 964, 968 (2001) (comparing procedure for seeking attorney’s fees as a cost of litigation with fees sought as special damages pursuant to Nev. R. Civ. P. 9(g)); *see also Carolina Cas. Ins. Co. v. Merge Healthcare Sols. Inc.*, 728 F.3d 615, 617 (7th Cir. 2013) (noting that “an award of attorneys’ fees differs from ‘damages’”); *see also United Labs., Inc. v. Kuykendall*, 335 N.C. 183, 437 S.E.2d 374 (1993) (noting that attorney fees may be awarded for unfair practice, while punitive damages are awarded for tort based on same conduct).

///

38. Third, the Damages Immunity Statute specifically only refers to immunity for actions of “[a] public officer or employee,” (i.e., an individual), whereas the Fees Statute makes “governmental entit[ies]” liable for fees for failing to disclose records. Nev. Rev. Stat. § 239.011(2).

39. Nev. Rev. Stat. § 239.005(5) defines “governmental entity” as follows:

- (a) An elected or appointed officer of this State or of a political subdivision of this State;
- (b) An institution, board, commission, bureau, council, department, division, authority or other unit of government of this State, including, without limitation, an agency of the Executive Department, or of a political subdivision of this State;
- (c) A university foundation, as defined in NRS 396.405; or
- (d) An educational foundation, as defined in NRS 388.750, to the extent that the foundation is dedicated to the assistance of public schools.

40. The officers and employees whose “good faith” actions are subject to immunity pursuant to the Damages Immunity Statute are not governmental entities. In contrast, the Respondent (in this case, the Coroner’s Office) is a “governmental entity” within the meaning of Nev. Rev. Stat. § 239.005(5) and is therefore responsible for fees pursuant to the Fees Statute. Thus, the difference in terms between the Fees Statute and the Damages Immunity Statute supports not reading a “good faith” requirement from the separate Damages Immunity Statute into the Fees Statute.

41. Fourth, the Damages Immunity Statute provides immunity to public officers or employees for disclosing *or* refusing to disclose public records, whereas a prevailing party’s entitlement to fees and costs under Nev. Rev. Stat. § 239.011(2) attaches only in those instances where a requester successfully petitions court after a governmental entity refuses to disclose public records. This fact further urges against reading a “good faith” requirement from the separate Damages Immunity Statute into the Fees Statute.

42. Fifth, it is not necessary to read a good faith requirement into the Fees Statute to reconcile it with the separate Damages Immunity Statute. This is so because the good faith provision applies to an entirely different matter than the attorney fees and costs provision. As set forth above, the Damages Immunity Statute addresses when a public

officer or employee (and his or her employer) is immune from *damages* to *anyone* for *producing* records or for failing to produce records if the *officer or employee* acted in good faith. In contrast, the Fees Statute sets forth when a *governmental entity* is responsible to a *requester* for fees and costs in a petition to obtain records). *See Coast Hotels & Casinos, Inc. v. Nevada State Labor Comm’n*, 117 Nev. 835, 841, 34 P.3d 546, 550 (2001) (“Courts must construe statutes to give meaning to all of their parts and language, and this court will read each sentence, phrase, and word to render it meaningful within the context of the purpose of the legislation.”) (citation omitted) (emphasis added).

43. Sixth, reading a “good faith” exception into the Fees Statute would be inconsistent with the legislative mandates regarding interpretation of the NPRA, which specifically sets forth “[l]egislative findings and declaration.” Nev. Rev. Stat. § 239.001. Nev. Rev. Stat. § 239.001(1) explains that “[t]he purpose of [the NPRA] 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.” Nev. Rev. Stat. § 239.001(2) and (3) in turn provide that “[t]he provisions of this chapter must be construed liberally to carry out this important purpose,” and that [a]ny exemption, exception or balancing of interests which limits or restricts access to public books and records by members of the public must be construed narrowly.” Reading a good faith limitation into the Fees Statute would be inconsistent with these mandates, and would hinder access to records by making it more expensive for requesters to seek court redress when governmental entities fail to produce public records.

44. Seventh, even if it were relevant, the legislative history of the NPRA does not support the Coroner’s Office’s position and makes clear there is no bad faith requirement in the fees and costs provision. In 1993, via AB 365,³ the NPRA was amended to strengthen the NPRA. Section 2 of AB 365 addressed fees and costs, while Section 3 separately

³ The LVRJ attached the complete legislative history of AB 365 as Exhibit 6 to its Reply to Respondent’s Opposition to Motion for Attorney’s Fees and Costs, and the page references in this Order correspond to the numbering therein.

1 addressed good faith liability from damages. With regard to Section 2, on May 7, 1993,
2 there was discussion making clear that, as initially written, Section 2 mandated that if the
3 requester prevails, “he was entitled to recover his costs and fees and attorney’s fees in the
4 proceeding, from the agency whose officer had custody of the record.” (*Id.*, pp. 43-44.) That
5 is all it said as originally written. The Legislature did, however, write one (and only one)
6 limitation into the fees and costs provision: it added the word “reasonable” to qualify the
7 fees and costs to which a requester is entitled. (*Id.*, p. 44.) Then, a separate discussion ensued
8 regarding Section 3 and addressing good faith immunity (*id.*, p. 44 (*after passing a motion*
9 *finalizing the fees and costs language*, the committee went on to discuss Section 3).) The
10 discussion included an explanation that Section 3 “was for a civil penalty to be imposed on
11 a public employee who acted in bad faith.” (*Id.*, p. 45.) Thus, the legislative history does not
12 support a “good faith” limitation on the Fees Statute.

13 45. Further, a strict reading of the Fees Statute (one without a good faith
14 exception read into it) is more in keeping in with the policy favoring access expressed in the
15 NPRA as well as the provision allowing for a court remedy upon a governmental entity’s
16 failure to produce public records. *See McKay v. Bd. of Sup’rs of Carson City*, 102 Nev. 644,
17 651, 730 P.2d 438, 443 (1986) “(We conclude a strict reading of the statute is more in
18 keeping with the policy favoring open meetings expressed in NRS chapter 241 and the spirit
19 of the Open Meeting Law...”).

20 46. Accordingly, the LVRJ, which prevailed in this litigation, is entitled to its
21 reasonable attorney’s costs and fees that it expended in this matter to obtain public records
22 from the Coroner’s Office, regardless of whether the Coroner’s Office acted in “good faith.”
23 ***The LVRJ’s Requested Fees and Costs Are Reasonable, and the Brunzell Factors Support***
24 ***a Full Award of Fees and Costs to the LVRJ.***

25 47. As noted above, the LVRJ is entitled to its “reasonable” attorney’s fees and
26 costs in this matter.

27 48. Pursuant to *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 455 P.2d 31
28 (1969), a court must consider four elements in determining the reasonable value of

attorneys' services:

(1) the qualities of the advocate: his ability, his training, education, experience, professional standing and skill; (2) the character of the work to be done: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation; (3) the work actually performed by the lawyer: the skill, time and attention given to the work; (4) the result: whether the attorney was successful and what benefits were derived.

Brunzell, 85 Nev. at 349, 455 P.2d at 33 (citation omitted); *accord Shuette v. Beazer Homes Holding Corp.*, 121 Nev. 837, 864-65, 124 P.3d 530, 548-49 (2005).

49. The Court has carefully reviewed and considered the motion for fees, supporting detail of work performed and costs, and supporting declarations in light of the *Brunzell* factors in determining an appropriate award of fees and costs to the LVRJ

50. As to the first factor, the "qualities of the advocate," the Court finds that the rates sought are reasonable in light of their ability, training, education, experience, professional standing and skill. The rates sought for staff are also reasonable, and compensable.

51. The Court also finds that the second *Brunzell* factor, the "character of the work" performed in this case, *Brunzell*, 85 Nev. at 349, 455 P.2d at 33, weighs in favor of a full award of fees and costs to the LVRJ.

52. As the Coroner's Office noted in its Opposition to the LVRJ's Motion for Attorney's Fees and Costs, this case involved an unsettled and contentious area of public records law with serious legal questions of public importance. The Coroner's Office asserted a number of claims of confidentiality requiring versatility and comfort with various areas of law. And, as the NPRA reflects, the work involved in seeking access to public records is important: access to public records fosters democratic principles. Nev. Rev. Stat. § 239.001(1). Representing the newspaper of record also necessarily involves a high level of responsibility and immediate attention. Further, NPRA matters involve matters of high prominence.

///

53. As to the third factor, the work actually performed by counsel, the Court finds that counsel for the LVRJ exercised appropriate discretion in the time and attention they dedicated to litigating this matter, and how they structured work in this matter. LVRJ counsel deducted or omitted entries where appropriate.

54. Further, counsel necessarily had to dedicate significant time in this case due both to its character and due to the fact that the Coroner's Office asserted numerous purported bases for refusing to provide public records.

55. Thus, this factor weighs in favor of a full award of costs and fees to the LVRJ.

56. The final *Brunzell* factor requires this Court to consider "the result: whether the attorney was successful and what benefits were derived." *Brunzell*, 85 Nev. at 349, 455 P. 2d at 33.

57. As set forth above, the LVRJ is the prevailing party in this public records litigation, and as a result of its counsel's efforts, obtained an order from this Court directing the Coroner's Office to produce the requested autopsy records.

58. Thus, this final factor weighs in favor of an award of fees and costs to the LVRJ.

59. Having considered the *Brunzell* factors, and having considered the papers and pleadings on file in this matter, including the documentation provided by the LVRJ in support of its Motion for Attorney's Fees and Costs, the Court finds the LVRJ is entitled to all its attorney's fees and costs through November 9, 2017 in the sum of \$32,377.52.

III.

ORDER

60. Based on the foregoing findings of fact and conclusions of law, the Court hereby ORDERS that the Coroner's Office must pay the LVRJ \$32,377.50 to compensate it for the costs and reasonable attorney's fees it expended through November 9, 2017 in litigating this matter. *Costs of \$825⁰². Attorney's fees of \$31,552⁵⁰.*

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61. Nothing in this Order precludes the LVRJ from seeking compensation for fees and costs incurred after November 9, 2017 if appropriate upon conclusion of the appeal in this matter.

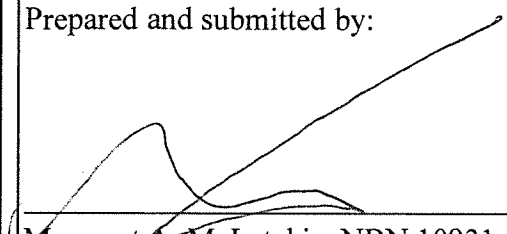
ORDER

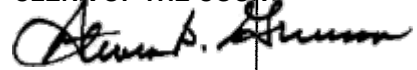
It is so ORDERED this 30 day of January, 2018.


DISTRICT COURT JUDGE

(MS)

Prepared and submitted by:


Margaret A. McLetchie, NBN 10931
Alina M. Shell, NBN 11711
McLetchie Shell, LLC
701 East Bridger Ave., Suite 520
Las Vegas, Nevada 89101
Counsel for Petitioner



1 **NEOJ**

2 MARGARET A MCLEATCHIE, Nevada Bar No. 10931

3 ALINA M. SHELL, Nevada Bar No. 11711

4 **MCLEATCHIE SHELL LLC**

5 701 East Bridger Ave., Suite 520

6 Las Vegas, Nevada 89101

Telephone: (702) 728-5300; Fax: (702) 425-8220

Email: maggie@nvlitigation.com

Counsel for Petitioner

DISTRICT COURT

CLARK COUNTY NEVADA

9 LAS VEGAS REVIEW-JOURNAL,

Case No.: A-17-758501-W

10 Petitioner,

Dept. No.: XXIV

11 vs.

NOTICE OF ENTRY OF ORDER

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

14 Respondent.

16 TO: THE PARTIES HERETO AND THEIR RESPECTIVE COUNSEL OF RECORD:

17 PLEASE TAKE NOTICE that on the 1st day of February, 2018, an Order Granting
18 Petitioner Las Vegas Review-Journal's Motion for Attorney's Fees and Costs was entered in
19 the above-captioned action. A copy of the Order is attached hereto as Exhibit 1.

20 Respectfully submitted this 1st day of February, 2018.

21 /s/ Margaret A. McLetchie

22 Margaret A. McLetchie, Nevada Bar No. 10931

23 Alina M. Shell, Nevada Bar No. 11711

MCLEATCHIE SHELL LLC

24 701 East Bridger Ave., Suite 520

25 Las Vegas, Nevada 89101

26 Telephone: (702) 728-5300

27 Email: maggie@nvlitigation.com

28 *Counsel for Petitioner*

MCLEATCHIE SHELL
ATTORNEYS AT LAW
701 EAST BRIDGER AVE., SUITE 520
LAS VEGAS, NV 89101
(702)728-5300 (T) / (702)425-8220 (F)
WWW.NVLITIGATION.COM

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of February, 2018, 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 1st day of February, 2018, 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 MCLEATCHIE SHELL LLC

EXHIBIT 1

Steven D. Grierson

1 **ORDR**

2 MARGARET A MCLEATCHIE, Nevada Bar No. 10931

3 ALINA M. SHELL, Nevada Bar No. 11711

4 **MCLEATCHIE SHELL LLC**

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11 vs.

**ORDER GRANTING PETITIONER
LAS VEGAS REVIEW-JOURNAL'S
MOTION FOR ATTORNEY'S FEES
AND COSTS**

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

14 Respondent.
15

16 The Las Vegas Review-Journal's Motion of Attorney's Fees and Costs, having
17 come on for hearing on January 11, 2018, the Honorable Jim Crockett presiding, Petitioner
18 Las Vegas Review-Journal (the "LVRJ") appearing by and through its counsel, Margaret A.
19 McLetchie, and Respondent Clark County Office of the Coroner/Medical Examiner
20 ("Coroner's Office") appearing by and through its counsel, Laura C. Rehfeldt, and the Court
21 having read and considered all of the papers and pleadings on file and being fully advised,
22 and good cause appearing therefor, the Court hereby makes the following findings of fact
23 and conclusions of law:

24 ///

25 ///

26 ///

27 ///

28 ///

I.

PROCEDURAL HISTORY AND FINDINGS OF FACT

The Records Request and The Coroner's Office's Response

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." 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.

4. 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.

5. 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.

6. The Coroner's Office did not assert any other basis for withholding records within five (5) business days.

7. 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 8. 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 9. 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 to
6 justify non-disclosure, and agreed to consider providing redacted versions of autopsies of
7 juveniles if the LVRJ provided a specific list of cases it wished to review.

8 10. 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 11. 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 12. The Coroner's Office responded to the May 26, 2017 email on May 31,
14 2017.

15 13. 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 14. 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 15. On July 9, 2017, in a response to a further email from the LVRJ inquiring
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The LVRJ's Motion for Attorney's Fees and Costs

22. On November 29, 2016, The LVRJ filed a Motion for Attorney's Fees and Costs pursuant to Nev. Rev. Stat. § 239.011(2).

23. In its Motion and supporting exhibits, the LVRJ requested compensation at the following rates for work performed by its attorneys and support staff:

Attorney/Biller	Hours	Billing Rate	Total Billed
Margaret A. McLetchie	27.9	\$450.00	\$12,465.00 ¹
Alina M. Shell	51.3	\$350.00	\$17,220.00 ²
Leo Wolpert	2.1	\$175.00	\$367.50
Pharan Burchfield	8.9	\$150.00	\$1,335.00
Administrative Support	6.6	\$25.00	\$165.00
		Total Fees Requested	\$31,552.50

24. The LVRJ also requested \$825.02 in costs associated with the litigation, for a combined total request for \$32,377.52 in fees and costs.

25. The LVRJ provided detail for the work performed, as well as declarations supporting the reasonableness of the rates and the work performed.

26. The Coroner's Office filed an Opposition to the LVRJ's Motion on December 14, 2017, and the LVRJ filed a Reply on January 4, 2018.

27. In its Opposition, the Coroner's Office asserted that pursuant to Nev. Rev. Stat. § 239.012—a provision of the NPRA which provides immunity from damages for public officers who act in good faith in disclosing or refusing to disclose records—the LVRJ had to establish the Coroner's Office acted in bad faith in refusing to disclose the requested

¹ This total reflected voluntary reductions for some time entries, made by counsel for the LVRJ in her billing discretion.

² See *supra* n.1.

1 records to obtain attorney's fees and costs.

2 28. Alternatively, the Coroner's Office argued the fees and costs sought by
3 counsel for the LVRJ should be apportioned and reduced, largely relying on case law
4 regarding prevailing market rates from federal cases (including Prison Litigation Reform
5 Act case law).

6 29. This Court conducted a hearing on the LVRJ's Motion on January 11,
7 2018.

8 II.

9 CONCLUSIONS OF LAW

10 *Legal Standard for the Recovery of Attorney's Fees in NPRA Cases*

11 30. Recovery of attorney fees as a cost of litigation is permissible by
12 agreement, statute, or rule. *See Sandy Valley Assocs. v. Sky Ranch Estates Owners Ass'n*,
13 117 Nev. 948, 956, 35 P.3d 964, 969 (2001).

14 31. In this case, recovery of attorney's fees is authorized by the NPRA, which
15 provides in pertinent part that "[i]f the requester prevails [on a petition for public records],
16 the requester is entitled to recover his or her costs and reasonable attorney's fees in the
17 proceeding from the governmental entity whose officer has custody of the book or record."
18 Nev. Rev. Stat. § 239.011(2).

19 32. Thus, pursuant to Nev. Rev. Stat. § 239.011(2) (the "Fees Statute"), a
20 prevailing party (in this case, the LVRJ) is entitled to its reasonable fees and costs.

21 33. The Fees Statute is explicit and plain. There is no limitation on the
22 entitlement to fees it contains other than the fact that the fees and costs be "reasonable." The
23 Fees Statute does not have any language requiring a prevailing requester to demonstrate that
24 a public officer or employee acted in bad faith in refusing to disclose public records.

25 34. The fact that a separate statute, § 239.012 (the "Damages Immunity
26 Statute"), provides for immunity for good faith actions of public officers or employees in
27 responding to NPRA requests does not change the interpretation of the Fees Statute for
28 multiple reasons.

1 35. First, as set forth above, the language of the Fees Statute is plain: if a
2 requester prevails in an action to obtain public records, “the requester is entitled to recover
3 his or her reasonable costs and attorney’s fees in the proceeding from the governmental
4 entity whose officer has custody of the book or record.” Nev. Rev. Stat. § 239.011(2). The
5 Fees Statute does not require a requester to demonstrate a governmental entity acted in bad
6 faith; it only requires that the requester prevail.

7 36. Because the Fees Statute is clear on its face, this court “cannot go beyond
8 the statute in determining legislative intent.” *State v. Lucero*, 127 Nev. 92, 95, 249 P.3d
9 1226, 1228 (2011) (citation and internal quotation marks omitted); *see also Robert E. v.*
10 *Justice Court*, 99 Nev. 443, 445, 664 P.2d 957, 959 (1983) (same); *see also State v. Catanio*,
11 120 Nev. 1030, 1033, 102 P.3d 588, 590 (2004) (“We must attribute the plain meaning to a
12 statute that is not ambiguous.”); *see also Coast Hotels & Casinos, Inc. v. Nevada State*
13 *Labor Comm’n*, 117 Nev. 835, 840, 34 P.3d 546, 550 (2001) (“When the language of a
14 statute is plain and unambiguous, a court should give that language its ordinary meaning
15 and not go beyond it.”)

16 37. Second, the separate Damages Immunity Statute only provides for
17 immunity from *damages*—not immunity from fees. *See* Nev. Rev. Stat. § 239.012
18 (specifying that a public officer or his or her employer are “immune from liability for
19 damages, either to the requester or to the person whom the information concerns”). Damages
20 and fees are different. *See, e.g., Sandy Valley Assocs. v. Sky Ranch Estates Owners Ass’n*,
21 117 Nev. 948, 956 35 P.3d 964, 968 (2001) (comparing procedure for seeking attorney’s
22 fees as a cost of litigation with fees sought as special damages pursuant to Nev. R. Civ. P.
23 9(g)); *see also Carolina Cas. Ins. Co. v. Merge Healthcare Sols. Inc.*, 728 F.3d 615, 617
24 (7th Cir. 2013) (noting that “an award of attorneys’ fees differs from ‘damages’”); *see also*
25 *United Labs., Inc. v. Kuykendall*, 335 N.C. 183, 437 S.E.2d 374 (1993) (noting that attorney
26 fees may be awarded for unfair practice, while punitive damages are awarded for tort based
27 on same conduct).

28 ///

1 38. Third, the Damages Immunity Statute specifically only refers to immunity
2 for actions of “[a] public officer or employee,” (i.e., an individual), whereas the Fees Statute
3 makes “governmental entit[ies]” liable for fees for failing to disclose records. Nev. Rev.
4 Stat. § 239.011(2).

5 39. Nev. Rev. Stat. § 239.005(5) defines “governmental entity” as follows:

- 6 (a) An elected or appointed officer of this State or of a political subdivision
7 of this State;
8 (b) An institution, board, commission, bureau, council, department,
9 division, authority or other unit of government of this State, including,
10 without limitation, an agency of the Executive Department, or of a political
11 subdivision of this State;
12 (c) A university foundation, as defined in NRS 396.405; or
13 (d) An educational foundation, as defined in NRS 388.750, to the extent that
14 the foundation is dedicated to the assistance of public schools.

15 40. The officers and employees whose “good faith” actions are subject to
16 immunity pursuant to the Damages Immunity Statute are not governmental entities. In
17 contrast, the Respondent (in this case, the Coroner’s Office) is a “governmental entity”
18 within the meaning of Nev. Rev. Stat. § 239.005(5) and is therefore responsible for fees
19 pursuant to the Fees Statute. Thus, the difference in terms between the Fees Statute and the
20 Damages Immunity Statute supports not reading a “good faith” requirement from the
21 separate Damages Immunity Statute into the Fees Statute.

22 41. Fourth, the Damages Immunity Statute provides immunity to public
23 officers or employees for disclosing *or* refusing to disclose public records, whereas a
24 prevailing party’s entitlement to fees and costs under Nev. Rev. Stat. § 239.011(2) attaches
25 only in those instances where a requester successfully petitions court after a governmental
26 entity refuses to disclose public records. This fact further urges against reading a “good
27 faith” requirement from the separate Damages Immunity Statute into the Fees Statute.

28 42. Fifth, it is not necessary to read a good faith requirement into the Fees
Statute to reconcile it with the separate Damages Immunity Statute. This is so because the
good faith provision applies to an entirely different matter than the attorney fees and costs
provision. As set forth above, the Damages Immunity Statute addresses when a public

1 officer or employee (and his or her employer) is immune from *damages to anyone* for
2 *producing* records or for failing to produce records if the *officer or employee* acted in good
3 faith. In contrast, the Fees Statute sets forth when a *governmental entity* is responsible to a
4 *requester* for fees and costs in a petition to obtain records). *See Coast Hotels & Casinos,*
5 *Inc. v. Nevada State Labor Comm'n*, 117 Nev. 835, 841, 34 P.3d 546, 550 (2001) (“Courts
6 must construe statutes to give meaning to all of their parts and language, and this court will
7 read each sentence, phrase, and word to render it meaningful within the context of the
8 purpose of the legislation.”) (citation omitted) (emphasis added).

9 43. Sixth, reading a “good faith” exception into the Fees Statute would be
10 inconsistent with the legislative mandates regarding interpretation of the NPRA, which
11 specifically sets forth “[l]egislative findings and declaration.” Nev. Rev. Stat. § 239.001.
12 Nev. Rev. Stat. § 239.001(1) explains that “[t]he purpose of [the NPRA] is to foster
13 democratic principles by providing members of the public with access to inspect and copy
14 public books and records to the extent permitted by law.” Nev. Rev. Stat. § 239.001(2) and
15 (3) in turn provide that “[t]he provisions of this chapter must be construed liberally to carry
16 out this important purpose;” and that [a]ny exemption, exception or balancing of interests
17 which limits or restricts access to public books and records by members of the public must
18 be construed narrowly.” Reading a good faith limitation into the Fees Statute would be
19 inconsistent with these mandates, and would hinder access to records by making it more
20 expensive for requesters to seek court redress when governmental entities fail to produce
21 public records.

22 44. Seventh, even if it were relevant, the legislative history of the NPRA does
23 not support the Coroner’s Office’s position and makes clear there is no bad faith requirement
24 in the fees and costs provision. In 1993, via AB 365,³ the NPRA was amended to strengthen
25 the NPRA. Section 2 of AB 365 addressed fees and costs, while Section 3 separately

26 _____
27 ³ The LVRJ attached the complete legislative history of AB 365 as Exhibit 6 to its Reply to
28 Respondent’s Opposition to Motion for Attorney’s Fees and Costs, and the page references
in this Order correspond to the numbering therein.

1 addressed good faith liability from damages. With regard to Section 2, on May 7, 1993,
2 there was discussion making clear that, as initially written, Section 2 mandated that if the
3 requester prevails, "he was entitled to recover his costs and fees and attorney's fees in the
4 proceeding, from the agency whose officer had custody of the record." (*Id.*, pp. 43-44.) That
5 is all it said as originally written. The Legislature did, however, write one (and only one)
6 limitation into the fees and costs provision: it added the word "reasonable" to qualify the
7 fees and costs to which a requester is entitled. (*Id.*, p. 44.) Then, a separate discussion ensued
8 regarding Section 3 and addressing good faith immunity (*id.*, p. 44 (*after passing a motion*
9 *finalizing the fees and costs language*, the committee went on to discuss Section 3).) The
10 discussion included an explanation that Section 3 "was for a civil penalty to be imposed on
11 a public employee who acted in bad faith." (*Id.*, p. 45.) Thus, the legislative history does not
12 support a "good faith" limitation on the Fees Statute.

13 45. Further, a strict reading of the Fees Statute (one without a good faith
14 exception read into it) is more in keeping in with the policy favoring access expressed in the
15 NPRA as well as the provision allowing for a court remedy upon a governmental entity's
16 failure to produce public records. *See McKay v. Bd. of Sup'rs of Carson City*, 102 Nev. 644,
17 651, 730 P.2d 438, 443 (1986) "(We conclude a strict reading of the statute is more in
18 keeping with the policy favoring open meetings expressed in NRS chapter 241 and the spirit
19 of the Open Meeting Law...").

20 46. Accordingly, the LVRJ, which prevailed in this litigation, is entitled to its
21 reasonable attorney's costs and fees that it expended in this matter to obtain public records
22 from the Coroner's Office, regardless of whether the Coroner's Office acted in "good faith."
23 ***The LVRJ's Requested Fees and Costs Are Reasonable, and the Brunzell Factors Support***
24 ***a Full Award of Fees and Costs to the LVRJ.***

25 47. As noted above, the LVRJ ^(MS) is entitled to its "reasonable" attorney's fees and
26 costs in this matter.

27 48. Pursuant to *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 455 P.2d 31
28 (1969), a court must consider four elements in determining the reasonable value of

1 attorneys' services:

2 (1) the qualities of the advocate: his ability, his training, education,
3 experience, professional standing and skill; (2) the character of the work to
4 be done: its difficulty, its intricacy, its importance, time and skill required,
5 the responsibility imposed and the prominence and character of the parties
6 where they affect the importance of the litigation; (3) the work actually
7 performed by the lawyer: the skill, time and attention given to the work; (4)
8 the result: whether the attorney was successful and what benefits were
9 derived.

10 *Brunzell*, 85 Nev. at 349, 455 P.2d at 33 (citation omitted); *accord Shuette v. Beazer Homes*
11 *Holding Corp.*, 121 Nev. 837, 864-65, 124 P.3d 530, 548-49 (2005).

12 49. The Court has carefully reviewed and considered the motion for fees,
13 supporting detail of work performed and costs, and supporting declarations in light of the
14 *Brunzell* factors in determining an appropriate award of fees and costs to the LVRJ

15 50. As to the first factor, the "qualities of the advocate," the Court finds that
16 the rates sought are reasonable in light of their ability, training, education, experience,
17 professional standing and skill. The rates sought for staff are also reasonable, and
18 compensable.

19 51. The Court also finds that the second *Brunzell* factor, the "character of the
20 work" performed in this case, *Brunzell*, 85 Nev. at 349, 455 P.2d at 33, weighs in favor of
21 a full award of fees and costs to the LVRJ.

22 52. As the Coroner's Office noted in its Opposition to the LVRJ's Motion for
23 Attorney's Fees and Costs, this case involved an unsettled and contentious area of public
24 records law with serious legal questions of public importance. The Coroner's Office asserted
25 a number of claims of confidentiality requiring versatility and comfort with various areas of
26 law. And, as the NPRA reflects, the work involved in seeking access to public records is
27 important: access to public records fosters democratic principles. Nev. Rev. Stat. §
28 239.001(1). Representing the newspaper of record also necessarily involves a high level of
responsibility and immediate attention. Further, NPRA matters involve matters of high
prominence.

///

1 53. As to the third factor, the work actually performed by counsel, the Court
2 finds that counsel for the LVRJ exercised appropriate discretion in the time and attention
3 they dedicated to litigating this matter, and how they structured work in this matter. LVRJ
4 counsel deducted or omitted entries where appropriate.

5 54. Further, counsel necessarily had to dedicate significant time in this case
6 due both to its character and due to the fact that the Coroner's Office asserted numerous
7 purported bases for refusing to provide public records.

8 55. Thus, this factor weighs in favor of a full award of costs and fees to the
9 LVRJ.

10 56. The final *Brunzell* factor requires this Court to consider "the result:
11 whether the attorney was successful and what benefits were derived." *Brunzell*, 85 Nev. at
12 349, 455 P. 2d at 33.

13 57. As set forth above, the LVRJ is the prevailing party in this public records
14 litigation, and as a result of its counsel's efforts, obtained an order from this Court directing
15 the Coroner's Office to produce the requested autopsy records.

16 58. Thus, this final factor weighs in favor of an award of fees and costs to the
17 LVRJ.

18 59. Having considered the *Brunzell* factors, and having considered the papers
19 and pleadings on file in this matter, including the documentation provided by the LVRJ in
20 support of its Motion for Attorney's Fees and Costs, the Court finds the LVRJ is entitled to
21 all its attorney's fees and costs through November 9, 2017 in the sum of \$32,377.52.

22 III.

23 ORDER

24 60. Based on the foregoing findings of fact and conclusions of law, the Court
25 hereby ORDERS that the Coroner's Office must pay the LVRJ \$32,377.50 to compensate
26 it for the costs and reasonable attorney's fees it expended through November 9, 2017 in
27 litigating this matter. Costs of \$825⁰². Attorney's fees of \$31,552⁵⁰.

28 ///

61. Nothing in this Order precludes the LVRJ from seeking compensation for fees and costs incurred after November 9, 2017 if appropriate upon conclusion of the appeal in this matter.

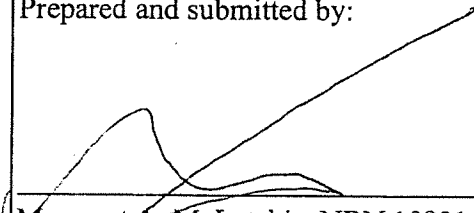
ORDER

It is so ORDERED this 30 day of January, 2018.


DISTRICT COURT JUDGE

(MS)

Prepared and submitted by:


Margaret A. McLetchie, NBN 10931
Alina M. Shell, NBN 11711
McLetchie Shell, LLC
701 East Bridger Ave., Suite 520
Las Vegas, Nevada 89101
Counsel for Petitioner

MCLETCHE SHELL
ATTORNEYS AT LAW
701 EAST BRIDGER AVE., SUITE 520
LAS VEGAS, NV 89101
(702) 728-5300 (T) / (702) 425-8220 (F)
WWW.NVLITIGATION.COM

**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:

PARTIES

PRESENT: McLetchie, Margaret A. Attorney
 Shell, Alina Attorney

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.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

December 12, 2017

A-17-758501-W Las Vegas Review-Journal, Plaintiff(s)
vs.
Clark County Office of the Coroner/ Medical Examiner, Defendant(s)

December 12, 2017 9:00 AM Motion For Stay

HEARD BY: Crockett, Jim

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Katrina Hernandez

RECORDED:

REPORTER:

PARTIES

PRESENT: McLetchie, Margaret A. Attorney
Rehfeldt, Laura C Attorney

JOURNAL ENTRIES

- Court noted its prior ruling in declaring they were public records and today is Defendant's motion for stay. Court noted the arguments of Counsel and noted Defendant's should have properly moved to stay, however it would defeat the purpose if they let these out when there's a possibility it could be appealed, and as time is not of the essence, Court is inclined to grant the stay. Arguments by Ms. McLetchie in opposition. Court stated its findings and ORDERED, stay GRANTED. Court stated it doesn't think a bond is appropriate and Counsel agreed. Ms. McLetchie further requested a release of the documents with redactions and Court DENIED the request. Ms. Rehfeldt to prepare the order, circulate for approval as to form and content, and submit it within TEN days per EDCR 7.21.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

January 11, 2018

A-17-758501-W Las Vegas Review-Journal, Plaintiff(s)
vs.
Clark County Office of the Coroner/ Medical Examiner, Defendant(s)

**January 11, 2018 9:00 AM Motion for Attorney Fees
and Costs**

HEARD BY: Crockett, Jim **COURTROOM:** Phoenix Building Courtroom -
11th Floor

COURT CLERK: Katrina Hernandez

RECORDER:

REPORTER: Bill Nelson

PARTIES

PRESENT: McLetchie, Margaret A. Attorney
Rehfeldt, Laura C Attorney

JOURNAL ENTRIES

- Court noted the details of the Court's prior ruling, stated the arguments of Counsel and noted its comments and inclinations. Court agreed Plaintiff is entitled to reasonable fees of \$31,552.50 and costs of \$825.02. Arguments by Ms. Rehfeldt in opposition of Plaintiff's. Court stated its findings and ORDERED, motion GRANTED. Ms. McLetchie to submit the order within TEN days per EDCR 7.21.

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; REQUEST FOR TRANSCRIPT OF PROCEEDINGS; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING PETITIONER LAS VEGAS REVIEW-JOURNAL'S MOTION FOR ATTORNEY'S FEES AND COSTS; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES

LAS VEGAS REVIEW-JOURNAL,

Plaintiff(s),

vs.

CLARK COUNTY OFFICE OF THE
CORONER/MEDICAL EXAMINER,

Defendant(s),

Case No: A-17-758501-W

Dept No: XXIV

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 8 day of February 2018.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk