IN THE SUPREME COURT OF THE STATE OF NEVADA

CLARK COUNTY OFFICE OF THE CORONER/MEDICAL EXAMINER, Appellant, vs. LAS VEGAS REVIEW-JOURNAL, Respondent.	SUPREME COURT CASE NO.: 74604 DISTRICT COURT CASE NO.: A-17-758501-W
CLARK COUNTY OFFICE OF THE CORONER/MEDICAL EXAMINER, Appellant, vs. LAS VEGAS REVIEW-JOURNAL, Respondent.	SUPREME COURT CASE NO: 75095 DISTRICT COURT CASE NO.: A-17-758501-W

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OPPOSITION TO MOTION TO CONSOLIDATE APPEALS

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OPPOSITION TO MOTION TO CONSOLIDATE APPEALS

Respondent Las Vegas Review-Journal ("Review-Journal"), by and through its counsel, Alina M. Shell, hereby submits this Opposition to the Motion to Consolidate Appeals filed on March 14, 2018 by the Clark County Office of the Coroner/Medical Examiner. This Opposition is supported by the attached memorandum of points and authorities

DATED this the 19th day of March, 2018.

/s/ Alina M. Shel

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

The Review-Journal opposes the Motion to Consolidate because it will delay a final ruling on access to public records. This Court has already indicated upon the completion of briefing in the Case No. 74604 it will expedite consideration of the case to the extent its docket allows. (*See* January 18, 2018 Order in Case No. 74604.) While the appeal regarding fees (Case No. 75095) does not raise any urgent issues, the Review-Journal contends that the appeal in Case No. 74604 does because the order granting access to records has been stayed pending resolution by this Court.

The Nevada Public Records Act, Nev. Rev. Stat. § 239.001 *et seq.* ("NPRA") reflects that the public has a right to immediate access to public records. Further, even a temporary delay in access to court documents impermissibly burdens the First Amendment. *See, e.g.*, *Globe Newspaper Co. v. Pokaski*, 868 F.2d 497, 507 (1st Cir. 1989) ("[E]ven a one to two day delay impermissibly burdens the First Amendment") (citing *Associated Press v. U.S. Dist. Court for Cent. Dist. of California*, 705 F.2d 1143, 1147 (9th Cir. 1983) (finding that sealing court documents for 48 hours represented a "total restraint on the public's first amendment right of access even though the restraint is limited in time")).

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As discussed in the Motion to Expedite Appeal the Review-Journal filed on December 15, 2017 in Case No. 74604, the Review-Journal asserts that these matters are not appropriate for consolidation. The legislative intent underpinning the NPRA is to foster democratic principles by ensuring easy and expeditious access to public records. Nev. Rev. Stat. § 239.001(1) ("The purpose 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"). Consolidation would be contrary to this important legislative intent.

The Review-Journal first requested the records at issue in this matter in April 2017. The Review-Journal has now waited almost a year to obtain access to public records and cannot report on records it does not receive. This delay has already been exacerbated by the Coroner's Office's decision to appeal the district court's order directing it to produce public records. Consolidating that appeal with the Coroner's Office appeal of the award of attorney fees and costs will only further extend the amount of time the Review-Journal and the public must wait to access important public records. (*See* Motion to Consolidate Appeals at p. 1 (requesting the Court adopt the briefing schedule for Case No. 75095 if it consolidates appeals).) While

important, evaluating the fees and award is not as important as determining whether the district court properly held that the autopsy records at issue in Case No. 74604 are public records.

For these reasons, and for the additional reasons set forth in the Review-Journal's Motion to Expedite Case No. 74604 which are incorporated herein by reference, this Court should deny the Coroner's Office's request to consolidate these matters.

Respectfully submitted this the 19th day of March, 2018.

/s/ Alina M. Shell

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing OPPOSITION TO MOTION TO CONSOLIDATE APPEALS was filed electronically with the Nevada Supreme Court on the 19th day of March, 2018. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

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