IN THE SUPREME COURT OF THE STATE OF NEVADA

CLARK COUNTY OFFICE OF THE CORONER/MEDICAL EXAMINER, Appellant, vs. LAS VEGAS REVIEW-JOURNAL, Respondent.	Case No.: 74604 Appeal from the Eighth Judicial District Court, the Honorable Jim Crockett Presiding
CLARK COUNTY OFFICE OF THE CORONER/MEDICAL EXAMINER, Appellant, vs. LAS VEGAS REVIEW-JOURNAL, Respondent.	Case No.: 75095 Appeal from the Eighth Judicial District Court, the Honorable Jim Crockett Presiding

Electronically Filed
Mar 26 2018 04:01 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

REPLY IN SUPPORT OF MOTION TO CONSOLIDATE APPEALS

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MAC:15090-001 3360422_1

In its motion to consolidate appeals, Appellant, Clark County Office of the Coroner/Medical Examiner ("Coroner"), moved this Court to consolidate Supreme Court Case Nos. 74604 and 75095 based upon NRAP 3(b)(2) for purposes of judicial economy. Both appeals arise from the same District Court case, involve the same parties, and Case No. 75095 is the Coroner's appeal from the District Court's order granting attorney fees and costs to Respondent, Las Vegas Review-Journal ("LVRJ").

LVRJ opposes the Coroner's motion to consolidate and essentially argues the same points from its motion to expedite in Case No. 74604, which this Court granted in part on January 18, 2018.[1] Notably, LVRJ does not dispute that both appeals, in fact, involve the same underlying District Court case, the same parties, and interrelated issues. Instead, LVRJ argues that the attorney fees and costs issues in Case No. 75095 will hypothetically delay a final decision on the confidentiality and public records issues in Case No. 74604. LVRJ reasons that the confidentiality and public records issues in Case No. 74604 are more important than the attorney fees and costs issues in Case No. 75095. LVRJ also suggests that its desired access to confidential documents is a matter of right under NRS Chapter 239. But, LVRJ overlooks that the basis for its challenged award of attorney fees

[1] The Court's January 18, 2018 order granting in part LVRJ's motion to expedite appeal is attached as **Exhibit 1**.

and costs is also NRS Chapter 239, which also gives rise to an expedited decision. *See* NRS 239.011(2) ("The court shall give this matter priority over other civil matters to which priority is not given by other statutes.").

Importantly, this Court expedited a "decision" for Case No. 74604 but **not** the briefing. *See* **Exhibit 1**. In its opposition, LVRJ does not oppose the Coroner's requested deadline of May 23, 2018 to file its opening brief and appendix for both cases. In fact, the parties have already conferred, pursuant to NRAP 30(a), and agreed upon the necessary documents for **both** appeals to be included in a joint appendix. If the two appeals are consolidated, there will be a single set of briefing, and the Court will naturally decide both appeals together under its previous January 18, 2018 order expediting the decision. So, LVRJ's concerns about a hypothetical delay in reaching a decision are unfounded.

If the Court were to maintain the two appeals as separate cases, the parties would be required to generate unnecessary, duplicate filings. And, the Court would be required to consider much of the same information twice. For example, Case No. 75095 would require not only the attorney fees and costs briefing and order, but all the same documents as the appendix in Case No. 74604. Case No. 75095 would also require lengthy briefs duplicating the underlying confidentiality dispute over the requested autopsy records for individuals under 18, spanning from 2012 through April 13, 2017. Ultimately, if the Coroner prevails on

the confidentiality of these records, LVRJ would not be entitled to any attorney fees under NRS 239.011. But, without consolidation, the Court would, nevertheless, have to review a fully-briefed case (Case No. 75095) that could be rendered moot by the rulings in the underlying Case No. 74604. Thus, judicial economy and NRAP 3(b)(2) strongly favor consolidation of these appeals.

Therefore, the Coroner respectfully requests that this Court consolidate Case Nos. 74604 and 75095 with the filing deadline for the Coroner's opening brief and appendix on May 23, 2018.

Dated this 26th day of March, 2018.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **REPLY IN SUPPORT OF MOTION TO CONSOLIDATE APPEALS** was filed electronically with the Nevada Supreme Court on the 26th day of March, 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

Exhibit 1

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLARK COUNTY OFFICE OF THE CORONER/MEDICAL EXAMINER,
Appellant,
vs.
LAS VEGAS REVIEW-JOURNAL,
Respondent.

No. 74604

FILED

JAN 18 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER

This is an appeal from an order granting respondent's petition for a writ of mandamus, and directing appellant to produce reports of autopsies conducted of anyone under the age of 18 from 2012 through April 13, 2017, to the Las Vegas Review Journal in unredacted form.

Respondent has filed a motion requesting that this appeal be expedited and that the appeal be removed from this court's settlement program.[1] The motion is opposed, and respondent has filed a reply. We grant the motion to expedite this appeal to the following extent. Upon completion of briefing, this appeal shall be expedited to the extent that this court's docket will allow.

The deadlines for filing documents in this appeal are reinstated as follows. Appellant shall have 15 days from the date of this order to file and serve the transcript request form or a certificate of no transcript request. NRAP 9(a). Appellant shall have 90 days from the date of this

[1]The settlement judge has filed a report that this appeal is not appropriate for mediation; accordingly, we deny, as moot, the request to remove the appeal from the program.

18-02420

order to file and serve the opening brief and appendix. Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

It is so ORDERED.[2]

Douglas, C.J.

cc: Clark County District Attorney/Civil Division
McLetchie Shell LLC

[2]We note that respondent may speed the briefing process by filing its answering brief before the due date for the document.