		Electronically Filed 11/19/2018 10:06 AM Steven D. Grierson CLERK OF THE COURT
1	NOAS	Chumb. Shum
2	DEANNA L. FORBUSH Nevada Bar No. 6646	Catalan
	Email: dforbush@clarkhill.com	
3	COLLEEN E. MCCARTY	
4	Nevada Bar No. 13186	Electronically Filed
5	Email: cmccarty@clarkhill.com CLARK HILL PLLC	Nov 28 2018 02:15 b.m.
5	3800 Howard Hughes Parkway, Suite 500	Elizabeth A. Brown Clerk of Supreme Court
6	Las Vegas, Nevada 89169	Sign of Supreme Spart
7	Telephone: (702) 862-8300	
0	Facsimile: (702) 862-8400 Attorneys for Petitioner	
8	Republican Attorneys General Association	
9		
10	DISTRIC	TCOURT
11	CLARK COUN	NTY, NEVADA
12	REPUBLICAN ATTORNEYS GENERAL	Case No.: A-18-780538-W
	ASSOCIATION,	Dept. No.: IV
13	Detition on	
14	Petitioner,	NOTICE OF APPEAL
15	vs.	
	LACATECACA CATEDODOLITAN DOLLOR	
16	LAS VEGAS METROPOLITAN POLICE DEPARTMENT,	
17		
18	Respondent.	
19		
	NOTICE IS HEREBY GIVEN that	at Petitioner, Republican Attorneys General
20	A ==== i=ti=== (%D A C A ?? === (*D = t't' = ====??)	d through the etternoon of mount Decree I
21	Association ("RAGA" or "Petitioner"), by an	d through its attorneys of record, Deanna L.
22	Forbush, Esq. and Colleen E. McCarty, Esq. of t	he law firm of Clark Hill PLLC, hereby appeals
23	to the Supreme Court of Nevada from the Fin	dings of Fact, Conclusions of Law and Order
24	Denying Republican Attorneys General Associa	tion's Public Records Act Application
25		
26		
	• • •	
27		
28		
	Page	l of 3

Docket 77511 Document 2018-906066

1	Pursuant to NRS 239.001/Petition for Writ of Mandamus entered in this action on the 19 th day
2	of October, 2018.
3	Dated this 19 th of November, 2018.
4	CLARK HILL PLLC
5	
6	By:
7	DEANNA L. FORBUSH Nevada Bar No. 6646
8	COLLEEN E. MCCARTY, ESQ.
9	Nevada Bar No. 13186 3800 Howard Hughes Parkway, Suite 500
10	3800 Howard Hughes Parkway, Suite 500 Las Vegas, Nevada 89169 Telephone: (702) 862-8300 Attorneys for Petitioner Republican Attorneys General Association
11	Attorneys for Petitioner Republican Attorneys General Association
12	
13	
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CERTIFICATE OF SERVICE 1 2 Pursuant to NRCP 5(b), I certify that I am an employee of Clark Hill PLLC, and that on day of November, 2018, I served a true and correct copy of the foregoing 3 4 NOTICE OF APPEAL by electronic means by operation of the Court's electronic filing 5 system, upon each party in this case who is registered as an electronic case filing user with the 6 Clerk. 7 Nick D. Crosby, Esq. Jackie V. Nichols, Esq. MARQUIS AURBACH COFFING 9 10001 Park Run Drive 10 Las Vegas, NV 89145 ncrosby@maclaw.com 11 jnichols@maclaw.com Attorneys for Respondent 12 Las Vegas Metropolitan Police Department 13 14 15 An Employee of Clark Hill PLLC 16 17 18 19 20 21 22 23 24 25 26 27 28

		Electronically Filed 11/19/2018 10:08 AM Steven D. Grierson CLERK OF THE COURT
1	ASTA DEANNA L. FORBUSH	Cotumb. at
2	Nevada Bar No. 6646	
3	Email: dforbush@clarkhill.com	
4	COLLEEN E. MCCARTY Nevada Bar No. 13186	
	Email: cmccarty@clarkhill.com	
5	CLARK HILL PLLC	
6	3800 Howard Hughes Parkway, Suite 500 Las Vegas, Nevada 89169	
7	Telephone: (702) 862-8300	
8	Facsimile: (702) 862-8400 Attorneys for Petitioner	
	Republican Attorneys General Association	
9	DISTRI	CT COURT
10	DISTRIC	CICOUNI
11	CLARK COU	JNTY, NEVADA
12	REPUBLICAN ATTORNEYS GENERAL	Case No.: A-18-780538-W
13	ASSOCIATION,	Dept. No.: IV
	Petitioner,	
14		CASE APPEAL STATEMENT
15	VS.	
16	LAS VEGAS METROPOLITAN POLICE	
17	DEPARTMENT,	
18	Respondent.	
-		
19	Petitioner, Republican Attorneys Gener	ral Association ("RAGA" or "Petitioner"), by and
20	through its attorneys of record. Deanna L. For	bush, Esq. and Colleen E. McCarty, Esq., of the
21		its Case Appeal Statement, pursuant to Rule 3(f)
22		
23	of the Nevada Rules of Appellate Procedure, as	s follows:
	///	
24	///	
25	, , ,	
26		
27	///	
28	///	
	Page	e 1 of 5
	ClarkHill\47485\337934\220594320.v1-11/16/18	40 700F00 W

Case Number: A-18-780538-W

1 2	(A) The district court case number and caption showing the names of all parties to the proceedings below, but the use of et al. to denote parties is prohibited:
3	The district court case number and caption are stated above. The parties to the
4	proceedings below are Petitioner, Republican Attorneys General Association, and Respondent,
5	Las Vegas Metropolitan Police Department ("LVMPD").
6	(B) The name of the judge who entered the order or judgment being appealed:
7	Hon. Kerry Earley, Eighth Judicial District Court, Clark County, Nevada.
8	(C) The name of each appellant and the name and address of counsel for each appellant:
10	Republican Attorneys General Association, Appellant.
11	Deanna L. Forbush, Esq.
12	Colleen E. McCarty, Esq. Clark Hill PLLC
13	3800 Howard Hughes Parkway, Suite 500 Las Vegas, Nevada 89169
14	Attorneys for Appellant
15 16	(D) The name of each respondent and the name and address of appellate counsel, if known, for each respondent, but if the name of a respondent's appellate counsel is not known, then the name and address of that respondent's trial counsel:
17	
18	Las Vegas Metropolitan Police Department, Respondent.
19	Nick D. Crosby, Esq. Jackie V. Nichols, Esq.
20	Marquis Aurbach Coffing 10001 Park Run Drive
21	Las Vegas, Nevada 89145
22	Attorneys for Respondent
23	(E) Whether an attorney identified in response to subparagraph (D) is not licensed to practice law in Nevada, and if so, whether the district court granted that attorney
24	permission to appear under SCR 42, including a copy of any district court order granting that permission:
2526	Not applicable.
27	///
28	///

(F) Whether the appellant was represented by appointed counsel in the district court, and whether the appellant is represented by appointed counsel on appeal:

Not applicable.

(G) Whether the district court granted the appellant leave to proceed in forma pauperis, and if so, the date of the district court's order granting that leave:

Not applicable.

(H) The date that the proceedings commenced in the district court:

RAGA filed its Public Records Act Application Pursuant to NRS 239.001/Petition for Writ of Mandamus in the district court on September 6, 2018.

(I) A brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

This appeal seeks review of an order entered by the district court pertaining to a public records act application/petition for writ of mandamus submitted pursuant to the Nevada Public Records Act ("NPRA"), NRCP 239.011, after Respondent LVMPD declined to produce certain public records pertaining to a law enforcement contact involving then State Senator, now Attorney-General Elect Aaron Ford, which occurred on November 13, 2017. On October 18, 2018, the district court entered Findings of Fact, Conclusions of Law and Order Denying Republican Attorneys General Association's Public Records Act Application Pursuant to NRS 239.001/Petition for Writ of Mandamus ("Order") denying the petition on the basis that the records were exempted from disclosure under NRS 239.010(1) as confidential juvenile justice records under NRS 62H.025. The Order was noticed on October 19, 2018. RAGA asserts that the requested records are public records pursuant to the NPRA and other applicable statutes, notably NRS 289.830, which states without exception that body worn camera video that is central to the public records request is a public record.

(J) Whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court or Court of Appeals and, if so, the caption and docket number of the prior proceeding.

RAGA filed an original writ proceeding before the Supreme Court on October 8, 2018, in the matter styled *Republican Attorneys Gen. Ass'n v. Dist. Ct. (Las Vegas Metro. Police Dep't)*, Case No. 77131. Thereafter, RAGA filed a second original writ proceeding before this Court on October 22, 2018, also styled *Republican Attorneys Gen. Ass'n v. Dist. Ct. (Las Vegas Metro. Police Dep't)*, Case No. 77219.

(K) Whether this appeal involves child custody or visitation:

Not applicable.

(L) Whether this appeal involves the possibility of settlement:

RAGA does not believe this appeal involves the possibility of settlement as the original public records request was made nearly one year ago and the LVMPD has not produced a single responsive record.

Dated this 19th of November, 2018.

CLARK HILL PLLC

By:

DEANNAL. FORBUSH

Nevada Bar No. 6646

COLLEEN E. MCCARTY, ESQ.

Nevada Bar No. 13186

3800 Howard Hughes Parkway, Suite 500

Las Vegas, Nevada 89169

Telephone: (702) 862-8300

Attorneys for Petitioner

Republican Attorneys General Association

CERTIFICATE OF SERVICE Pursuant to NRCP 5(b), I certify that I am an employee of Clark Hill PLLC, and that on day of November, 2018, I served a true and correct copy of the foregoing CASE APPEAL STATEMENT by electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk. Nick D. Crosby, Esq. Jackie V. Nichols, Esq. MARQUIS AURBACH COFFING 10001 Park Run Drive Las Vegas, NV 89145 ncrosby@maclaw.com jnichols@maclaw.com Attorneys for Respondent Las Vegas Metropolitan Police Department An Employee of Clark Hill PLLC

CASE SUMMARY

CASE NO. A-18-780538-W

Republican Attorneys General Association, Plaintiff(s)

vs. Las Vegas Metropolitan Police Department, Defendant Location: Department 4
Judicial Officer: Earley, Kerry
Filed on: 09/06/2018

Case Number History:

Cross-Reference Case A780538

Number:

CASE INFORMATION

§ §

Case Type: Writ of Mandamus

Case Status:

09/06/2018 Open

DATE CASE ASSIGNMENT

Current Case Assignment

Case Number A-18-780538-W
Court Department 4
Date Assigned 09/11/2018
Judicial Officer Earley, Kerry

PARTY INFORMATION

Plaintiff Republican Attorneys General Association Lead Attorneys

Forbush, Dea

Forbush, Deanna Retained 702-862-8300(W)

Defendant Las Vegas Metropolitan Police Department Nichols, Jacqueline
Retained

Retained 702-382-0711(W)

DATE EVENTS & ORDERS OF THE COURT INDEX

EVENTS

09/06/2018

Petition

Filed by: Plaintiff Republican Attorneys General Association

Public Records Act Application Pursuant to NRS 239.001/Petition for Writ of Mandamus

09/06/2018 Initial Appearance Fee Disclosure

Filed By: Plaintiff Republican Attorneys General Association

Initial Appearance Fee Disclosure

09/06/2018 Summons Electronically Issued - Service Pending

Party: Plaintiff Republican Attorneys General Association

Summons

09/10/2018 Peremptory Challenge

Filed by: Plaintiff Republican Attorneys General Association

Peremptory Challenge of Judge

09/11/2018 Affidavit of Service

Filed By: Plaintiff Republican Attorneys General Association

Affidavit of Service

CASE SUMMARY CASE NO. A-18-780538-W

	CASE NO. A-18-/80538-W
09/11/2018	Notice of Department Reassignment Notice of Department Reassignment
09/20/2018	Notice of Hearing Notice of Hearing
09/21/2018	Stipulation and Order Filed by: Plaintiff Republican Attorneys General Association Stipulation and Order Regarding Briefing Schedule
09/25/2018	Notice of Entry Filed By: Plaintiff Republican Attorneys General Association Notice of Entry of Stipulation and Order Regarding Briefing Schedule
09/26/2018	Petitioners Opening Brief Filed by: Plaintiff Republican Attorneys General Association Republican Attorneys General Association s Opening Brief in Support of Public Records Act Application Pursuant to NRS 239.001/Petition For Writ Of Mandamus
09/27/2018	Receipt of Copy Filed by: Plaintiff Republican Attorneys General Association Receipt of Copy
09/27/2018	Motion for Examination Filed By: Plaintiff Republican Attorneys General Association Republican Attorneys General Association s Emergency Motion for Examination of Withheld Records on Order Shortening Time
10/03/2018	Opposition to Motion Filed By: Defendant Las Vegas Metropolitan Police Department Respondent Las Vegas Metropolitan Police Department's Opposition to Republican Attorneys General Association's Emergency Motion for Examination of Withheld Records on Order Shortening Time
10/04/2018	Receipt of Copy Filed by: Defendant Las Vegas Metropolitan Police Department Receipt of Copy
10/10/2018	Respondent's Answering Brief Filed by: Defendant Las Vegas Metropolitan Police Department Respondent Las Vegas Metropolitan Police Department's Response to Republic Attormey General Associations Public Records Act Application Pursuant to NRS 239.001-Petition for Writ of Mandamus
10/11/2018	Order Denying Motion Filed By: Plaintiff Republican Attorneys General Association Order Denying Republican Attorneys General Association's Emergency Motion for Examination of Witheld Records
10/12/2018	Notice of Entry Filed By: Plaintiff Republican Attorneys General Association Notice of Entry of Order Denying Republican Attorneys General Associations Emergency Motion for Examonation of Witheld Records
10/15/2018	Reply in Support

CASE SUMMARY

CASE NO. A-18-780538-W

Filed By: Plaintiff Republican Attorneys General Association

Republican Attorneys General Association's Reply in Support of Public Records Act

Application Pursuant to NRS 239.001/Petition for Writ of Mandamus

10/18/2018

Findings of Fact, Conclusions of Law and Judgment

Filed by: Plaintiff Republican Attorneys General Association

Findings of Fact, Conclusions of Law And Order Denying Republican Attorneys General Association's Public Records Act Application Pursuant To NRS 239.001/Petition For Writ of

Mandamus

10/19/2018

Notice of Entry

Filed By: Plaintiff Republican Attorneys General Association

Notice of Entry of Findings of Fact, Conclusions of Law And Order Denying Republican

Attorneys General Association's Public Records Act Application

11/19/2018

Case Appeal Statement

Filed By: Plaintiff Republican Attorneys General Association

Case Appeal Statement

11/19/2018

Notice of Appeal

Filed By: Plaintiff Republican Attorneys General Association

Notice of Appeal

HEARINGS

10/05/2018

Motion (9:00 AM) (Judicial Officer: Earley, Kerry)

10/05/2018, 10/09/2018

OST

Matter Continued;

Matter Heard;

Journal Entry Details:

Upon Court's inquiry, Ms. Forbush advised the writ of mandamus had not been accepted. Court noted it still retained jurisdiction. Further, this hearing was continued to determine the length, as in time frame, of the footage Ms. Nichols noted it was six hours of body cam footage stating there was no more than two hours depicting Senator Aaron Ford. Colloquy by counsel regarding the video footage. COURT ORDERED, matter HEARD; Las Vegas Metropolitan Police Department to provide the in camera review of all footage related to this event, for the Court's review. :

Matter Continued:

Matter Heard;

Journal Entry Details:

Jackie Nichols, Esq. and Nick Crosby, Esq. present on behalf of Defendant. Court noted it reviewed all documents. Ms. McCarty requested an order for an attorney's eyes-only viewing of the video and records involving Senator Aaron Ford pursuant to case law. Ms. Nichols argued the body camera video footage pertains to a juvenile incident and was privileged. Court noted the interpretation of the request, and inquired what case states the Court must give counsel the video. Ms. McCarty provided and discussed case law. Court stated case law provided for a body camera log, not an in camera review. Arguments by counsel regarding the records request and case law. COURT ORDERED, Court to conduct an in camera review the video footage related to this event to determine if the footage was privileged or not; Defendant to produce all video footage pertaining to the event. COURT FURTHER ORDERED, matter CONTINUED.;

10/17/2018

Petition (9:00 AM) (Judicial Officer: Earley, Kerry)

Petition.

Deferred Ruling;

Journal Entry Details:

Court noted it reviewed the body camera video of officers provided and ORDERED, evidence FILED UNDER SEAL. Arguments by counsel regarding the Juvenile Court case, and applicable statutory and case law. COURT ORDERED, a Minute Order to be issued. Court

CASE SUMMARY CASE NO. A-18-780538-W

stated it would review the body camera law. Ms. McCarty stated she was interested in Senator Ford's abuse of power, not the juvenile case; stated Las Vegas Metropolitan Police Department failed to follow the law and timely reply.;

10/17/2018

Minute Order (2:00 PM) (Judicial Officer: Earley, Kerry)

Minute Order - No Hearing Held;

Journal Entry Details:

This matter came before the Court on October 17, 2018. The Court has reviewed (1) Petitioner Republican Attorneys General Association s Emergency Motion for Examination of Records; (2) Respondent Las Vegas Metropolitan Police Departments Opposition Petitioner s Emergency Motion; (3) Petitioner's Opening Brief in Support of Public Records Act Application Pursuant to NRS 239.001/Petition for Writ of Mandamus; (4) Respondents Opposition thereto; and (5) Petitioner's Reply to Respondent's Opposition, including all attached exhibits and legal authority contained within all moving papers. Additionally, the Court has reviewed two (2) discs produced by Respondent for an in-camera review containing body worn camera footage from the scene of the investigation which is the subject of the present Petition. Based on all the papers, pleadings, exhibits, and legal authority presented to the Court, as well as considering oral arguments by Counsel Colleen McCarty, Esq. on behalf of Petitioner and Jackie V. Nichols on behalf of Respondent, the Court hereby makes its ruling. The Court finds NRS 239.001 provides that public records are open to inspection; however, NRS 239.010(1) expressly creates an exemption to the disclosure of such records falling under NRS 62H.025. NRS 62H.025(6)(b) defines juvenile justice information as any information which is directly related to a child in need of supervision, a delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court. Having reviewed in-camera the body worn camera footage, the Court has determined that all portions of the footage, including the portions with Senator Aaron Ford, is directly related to the investigation of a juvenile involved incident. The footage depicts the area where the incident occurred, juveniles being arrested, and discussions regarding the charges and juvenile process. All communications at the scene, including the ones involving Senator Aaron Ford, are directly related to the juvenile incident and the juvenile justice process as a result of the incident. Therefore, the Court finds all of the body worn camera footage in question is directly related to children who are otherwise subject to the jurisdiction of the juvenile court as defined in NRS 62H.025. The Court further finds no legitimate interest exists to disseminate these confidential juvenile records. The appearance of adults and witnesses in addition to the juveniles at the crime scene does not remove the subject records outside the protection granted to juvenile justice information. The Court further finds, records under 62H.025 may only be released in accordance with NRS 62H.025(r) which states juvenile justice information may only be released to (a) person who is authorized by a court order to receive the juvenile information, if the juvenile justice agency was provided with notice and the opportunity to be heard before the issuance of the order. The record is devoid of Petitioner providing the required notice to the juvenile justice agency in the instant Petition. The Court further finds no valid legal basis for Petitioner s waiver argument that the failure of the public agency to timely respond waives the confidentiality of records that fall within juvenile justice information under NRS 62H.025. Therefore, based on the foregoing, Petitioner Republican Attorneys General Association s Application Pursuant to NRS 239.001/Petition for Writ of Mandamus is DENIED. Counsel for Petitioner to prepare and submit Findings of Fact, Conclusions or Law, and Order pursuant to this Court's Order, to be approved as to form and content by Respondent's counsel. The Order shall be submitted to the Court, signed and approved by Counsel for Petitioner and Counsel for Respondent, by 5:00 pm on Friday, October 19, 2018. CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Colleen McCarty, Esq. (cmccarty@clarkhill.com), Deanna Forbush, Esq. (dforbush@clarkhill.com) and Jacqueline Nichols, Esq. (jnichols@maclaw.com) //ev 10/17/18;

DATE FINANCIAL INFORMATION

Plaintiff Republican Attorneys General Association
Total Charges 744.00
Total Payments and Credits 744.00
Balance Due as of 11/21/2018 0.00

Plaintiff Republican Attorneys General Association Appeal Bond Balance as of 11/21/2018

500.00

EIGHTH JUDICIAL DISTRICT COURT CASE SUMMARY CASE NO. A-18-780538-W

DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Department 18

	Case No. (Assigned by Cle	rk's Office)				
. Party Information (provide both he	ome and mailing addresses if differen					
Plaintiff(s) (name/address/phone):		Defend	ant(s) (name/address/phone):			
REPUBLICAN ATTORNEYS G	ENERAL ASSOCIATION	LASV	LAS VEGAS METROPOLITAN POLICE DEPARTMENT			
Attorney (name/address/phone):		Attorne	ey (name/address/phone):			
Colleen E. McC	··					
3800 Howard Hughes P						
Las Vegas, Neva						
Telephone: (702) 862-8300 Fa						
II. Nature of Controversy (please s	elect the one most applicable filing ty	pe below)				
Civil Case Filing Types	1					
Real Property			Torts			
Landlord/Tenant	Negligence		Other Torts			
Unlawful Detainer	Auto		Product Liability			
Other Landford/Tenant	Premises Liability		Intentional Misconduct			
Title to Property	Other Negligence		Employment Tort			
Judicial Foreclosure	Malpractice		Insurance Tort			
Other Title to Property	Medical/Dental		Other Tort			
Other Real Property	Legal					
Condemnation/Eminent Domain	Accounting					
Other Real Property	Other Malpractice					
Probate	Construction Defect & Con	ntract	Judicial Review/Appeal			
Probate (select case type and estate value)	Construction Defect		Judicial Review			
Summary Administration	Chapter 40		Foreclosure Mediation Case			
General Administration	Other Construction Defect		Petition to Seal Records			
Special Administration	Contract Case		Mental Competency			
Set Aside	Uniform Commercial Code		Nevada State Agency Appeal			
Trust/Conservatorship	Building and Construction		Department of Motor Vehicle			
Other Probate	Insurance Carrier		Worker's Compensation			
Estate Value	Commercial Instrument		Other Nevada State Agency			
Over \$200,000	Collection of Accounts		Appeal Other			
Between \$100,000 and \$200,000	Employment Contract		Appeal from Lower Court			
Under \$100,000 or Unknown	Other Contract		Other Judicial Review/Appeal			
Under \$2,500						
Civi	l Writ		Other Civil Filing			
Civil Writ			Other Civil Filing			
Writ of Habeas Corpus	Writ of Prohibition		Compromise of Minor's Claim			
Writ of Mandamus	Other Civil Writ		Foreign Judgment			
Writ of Quo Warrant	_		Other Civil Matters			
Business C	ourt filings should be filed using t	he Busines	s Court civil coversheet.			
9-6-2018		Ch	llen 9. Molan			
Date		Signa	ature of initiating party or representative			

See other side for family-related case filings.

Electronically Filed 10/18/2018 5:54 PM Steven D. Grierson CLERK OF THE COURT

FFCO

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DEANNA L. FORBUSH

Nevada Bar No. 6646

Email: dforbush@clarkhill.com

COLLEEN E. MCCARTY

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CLARK HILL PLLC

3800 Howard Hughes Parkway, Suite 500

6 Las Vegas, Nevada 89169 Telephone: (702) 862-8300

Facsimile: (702) 862-8400

Attorneys for Petitioner Republican Attorneys General Association

9

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11

12

DISTRICT COURT

CLARK COUNTY, NEVADA

REPUBLICAN ATTORNEYS GENERAL ASSOCIATION,

Petitioner,

Respondent.

13 14

VS.

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16 LAS VEGAS METROPOLITAN POLICE DEPARTMENT, 17

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27 28 Case No.: A-18-780538-W Dept. No.: IV

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER DENYING REPUBLICAN ATTORNEYS GENERAL ASSOCIATION'S PUBLIC RECORDS ACT APPLICATION PURSUANT TO NRS 239.001/PETITION FOR WRIT OF MANDAMUS

The matter of the Public Records Act Application Pursuant to NRS 239.001/Petition for

Writ of Mandamus filed by Petitioner, Republican Attorneys General Association ("Petitioner")

having come on for hearing on order shortening time before the Honorable Kerry Earley on

October 17, 2018; Petitioner and Respondent, Las Vegas Metropolitan Police Department

("Respondent"), appearing by and through their respective attorneys of record; the Court having

reviewed all papers and pleadings on file, as well as two (2) discs produced by Respondent for

in-camera review, and considered oral arguments of counsel; and good cause appearing:

COURT FINDS AND CONCLUDES that NRS 239.001 provides that public records are

open to inspection; however, NRS 239.010(1) expressly creates an exemption to the disclosure Page 1 of 3

ClarkHill\47485\337934\220426788.v1-10/18/18

of such records falling under NRS 62H.025. NRS 62H.025(6)(b) defines "juvenile justice information" as "any information which is directly related to a child in need of supervision, a delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court."

COURT FURTHER FINDS AND CONCLUDES, after having reviewed in-camera the body worn camera footage, that all portions of the footage, including the portions with Senator Aaron Ford, are directly related to the investigation of a juvenile involved incident. The footage depicts the area where the incident occurred, juveniles being arrested, and discussions regarding the charges and juvenile process. All communications at the scene, including the ones involving Senator Aaron Ford, are directly related to the juvenile incident and the juvenile justice process as a result of the incident. Therefore, the Court finds all of the body worn camera footage in question is directly related to children who are otherwise subject to the jurisdiction of the juvenile court as defined in NRS 62H,025.

COURT FURTHER FINDS AND CONCLUDES that no legitimate interest exists to disseminate these confidential juvenile records. The appearance of adults and witnesses in addition to the juveniles at the crime scene does not remove the subject records outside the protection granted to juvenile justice information.

COURT FURTHER FINDS AND CONCLUDES that records under 62H.025 may only be released in accordance with NRS 62H.025(r), which states juvenile justice information may only be released to "(a) person who is authorized by a court order to receive the juvenile information, if the juvenile justice agency was provided with notice and the opportunity to be heard before the issuance of the order." The record is devoid of Petitioner providing the required notice to the juvenile justice agency in the instant Petition.

1	COURT FURTHER FINDS AND CONCLUDES that no valid legal basis for								
2	Petitioner's waiver argument that the failure of the public agency to timely respond waives the								
3	confidentiality of records that fall within "juvenile justice information" under NRS 62H.025.								
4	Accordingly,								
5	COURT ORDERS that Petitioner's Public Records Act Application Pursuant to NRS								
7	239.001/Petition for Writ of Mandamus is DENIED.								
8	COURT FURTHER ORDERS that Counsel for Petitioner is to prepare and submit								
9	Findings of Fact, Conclusions or Law, and Order pursuant to this Court's Order, to be approved								
10	as to form and content by Respondent's counsel. The Order shall be submitted to the Court								
11	signed and approved by Counsel for Petitioner and Counsel for Respondent, by 5:00 pm or								
12	Friday, October 19, 2018.								
13	Dated this / 8 day of October, 2018.								
14	Dated this 1 day of Getober, 2016.								
15	KERBY EARLEY								
16	District Court Judge								
17	1 . 4 forms and contents								
18	Respectfully submitted by: Approved as to form and content:								
19	CLARK HILL PLLC MARQUIS AURBACH COFFING								
20	By:								
21	DEANNA L. FORBUSH Nevada Bar No. 6646 Nevada Bar No. 8996								
22	COLLEEN E. MCCARTY, ESQ. JACKIE V. NICHOLS, ESQ.								
23	Nevada Bar No. 13186 Nevada Bar No. 14246 3800 Howard Hughes Parkway, Suite 500 Nevada Bar No. 14246 10001 Park Run Drive								
24	Las Vegas, Nevada 89169 Las Vegas, Nevada 89145 Telephone: (702) 862-8300 Attorneys for Las Vegas								
2526	Attorneys for Petitioner Metropolitan Police Department Republican Attorneys General								
27	Association								
41									

Electronically Filed 10/19/2018 9:35 AM Steven D. Grierson CLERK OF THE COURT 1 NEO DEANNA L. FORBUSH 2 Nevada Bar No. 6646 Email: dforbush@clarkhill.com 3 COLLEEN E. MCCARTY Nevada Bar No. 13186 4 Email: cmccarty@clarkhill.com 5 **CLARK HILL PLLC** 3800 Howard Hughes Parkway, Suite 500 6 Las Vegas, Nevada 89169 Telephone: (702) 862-8300 7 Facsimile: (702) 862-8400 Attorneys for Petitioner Republican 8 Attorneys General Association 9 DISTRICT COURT 10 **CLARK COUNTY, NEVADA** 11 REPUBLICAN ATTORNEYS GENERAL Case No.: A-18-780538-W 12 ASSOCIATION, Dept. No.: IV 13 Petitioner, NOTICE OF ENTRY OF FINDINGS OF 14 FACT, CONCLUSIONS OF LAW AND vs. ORDER DENYING REPUBLICAN 15 ATTORNEYS GENERAL LAS VEGAS METROPOLITAN POLICE **ASSOCIATION'S PUBLIC RECORDS** 16 DEPARTMENT, ACT APPLICATION PURSUANT TO 17 NRS 239.001/PETITION FOR WRIT OF Respondent. **MANDAMUS** 18 19 PLEASE TAKE NOTICE that on the 18th day of October, 2018, the above-entitled 20 21 Court entered its Findings of Fact, Conclusions of Law and Order Denying Republican 22 Attorneys General Association's Public Records Act Application Pursuant to NRS 23 239.001/Petition for Writ of Mandamus. 24 25 26 27 28 Page 1 of 3 ClarkHiII\47485\337934\220426788,v1-10/18/18

Case Number: A-18-780538-W

1	A copy of this Order is attached hereto as Exhibit "1."
2	Dated this _/9+4_ day of October, 2018.
3	CLARK HILL PLLC
4	
5	By: Illen & Mc DEANNA L. FORBUSH
6	Nevada Bar No. 6646 COLLEEN E. MCCARTY, ESQ.
7	Nevada Rar No. 13186
8	Las Vegas, Nevada 89169 Telephone: (702) 862-8300
9	3800 Howard Hughes Parkway, Suite 500 Las Vegas, Nevada 89169 Telephone: (702) 862-8300 Attorneys for Petitioner Republican Attorneys General Association
10	Republican Automeys General Association
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Clark Hill PLLC and that on day of October, 2018, I served a true and correct copy of the foregoing NOTICEOF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER DENYING REPUBLICAN ATTORNEYS GENERAL ASSOCIATION'S PUBLIC RECORDS ACT APPLICATION PURSUANT TO NRS 239.001/PETITION FOR WRIT OF MANDAMUS by electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk. Nick D. Crosby, Esq. Jackie V. Nichols, Esq. MARQUIS AURBACH COFFING 10001 Park Run Drive Las Vegas, NV 89145 ncrosby@maclaw.com inichols@maclaw.com Attorneys for Respondent Las Vegas Metropolitan Police Department

An Employee of Clark Hill PLLC

EXHIBIT 1

Electronically Filed 10/18/2018 5:54 PM Steven D. Grierson CLERK OF THE COURT

1 **FFCO** DEANNA L. FORBUSH 2 Nevada Bar No. 6646 Email: dforbush@clarkhill.com 3 COLLEEN E. MCCARTY Nevada Bar No. 13186 Email: cmccarty@clarkhill.com 5 CLARK HILL PLLC 3800 Howard Hughes Parkway, Suite 500 6 Las Vegas, Nevada 89169 Telephone: (702) 862-8300 7 Facsimile: (702) 862-8400 Attorneys for Petitioner Republican 8 Attorneys General Association

REPUBLICAN ATTORNEYS GENERAL

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DISTRICT COURT

CLARK COUNTY, NEVADA

Case No.: A-18-780538-W

ASSOCIATION,

Petitioner,

Petitioner,

Vs.

In the proof of the proof

Respondent.

The matter of the Public Records Act Application Pursuant to NRS 239.001/Petition for Writ of Mandamus filed by Petitioner, Republican Attorneys General Association ("Petitioner") having come on for hearing on order shortening time before the Honorable Kerry Earley on October 17, 2018; Petitioner and Respondent, Las Vegas Metropolitan Police Department ("Respondent"), appearing by and through their respective attorneys of record; the Court having reviewed all papers and pleadings on file, as well as two (2) discs produced by Respondent for in-camera review, and considered oral arguments of counsel; and good cause appearing:

COURT FINDS AND CONCLUDES that NRS 239.001 provides that public records are open to inspection; however, NRS 239.010(1) expressly creates an exemption to the disclosure Page 1 of 3

ClarkHill\47485\337934\220426788.v1-10/18/18

of such records falling under NRS 62H.025. NRS 62H.025(6)(b) defines "juvenile justice information" as "any information which is directly related to a child in need of supervision, a delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court."

COURT FURTHER FINDS AND CONCLUDES, after having reviewed in-camera the body worn camera footage, that all portions of the footage, including the portions with Senator Aaron Ford, are directly related to the investigation of a juvenile involved incident. The footage depicts the area where the incident occurred, juveniles being arrested, and discussions regarding the charges and juvenile process. All communications at the scene, including the ones involving Senator Aaron Ford, are directly related to the juvenile incident and the juvenile justice process as a result of the incident. Therefore, the Court finds all of the body worn camera footage in question is directly related to children who are otherwise subject to the jurisdiction of the juvenile court as defined in NRS 62H.025.

COURT FURTHER FINDS AND CONCLUDES that no legitimate interest exists to disseminate these confidential juvenile records. The appearance of adults and witnesses in addition to the juveniles at the crime scene does not remove the subject records outside the protection granted to juvenile justice information.

COURT FURTHER FINDS AND CONCLUDES that records under 62H.025 may only be released in accordance with NRS 62H.025(r), which states juvenile justice information may only be released to "(a) person who is authorized by a court order to receive the juvenile information, if the juvenile justice agency was provided with notice and the opportunity to be heard before the issuance of the order." The record is devoid of Petitioner providing the required notice to the juvenile justice agency in the instant Petition.

DISTRICT COURT CLARK COUNTY, NEVADA

COURT MINUTES Writ of Mandamus October 05, 2018 Republican Attorneys General Association, Plaintiff(s) A-18-780538-W Las Vegas Metropolitan Police Department, Defendant(s)

9:00 AM Motion October 05, 2018

COURTROOM: RJC Courtroom 12D **HEARD BY:** Earley, Kerry

COURT CLERK: Elizabeth Vargas

Sharon Nichols RECORDER:

REPORTER:

PARTIES

PRESENT: Forbush, Deanna Attorney

McCarty, Colleen E. Attorney

JOURNAL ENTRIES

- Jackie Nichols, Esq. and Nick Crosby, Esq. present on behalf of Defendant. Court noted it reviewed all documents. Ms. McCarty requested an order for an attorney's eyes-only viewing of the video and records involving Senator Aaron Ford pursuant to case law. Ms. Nichols argued the body camera video footage pertains to a juvenile incident and was privileged. Court noted the interpretation of the request, and inquired what case states the Court must give counsel the video. Ms. McCarty provided and discussed case law. Court stated case law provided for a body camera log, not an in camera review. Arguments by counsel regarding the records request and case law. COURT ORDERED, Court to conduct an in camera review the video footage related to this event to determine if the footage was privileged or not; Defendant to produce all video footage pertaining to the event. COURT FURTHER ORDERED, matter CONTINUED.

PRINT DATE: Minutes Date: October 05, 2018 11/21/2018 Page 1 of 5

DISTRICT COURT CLARK COUNTY, NEVADA

A-18-780538-W

Republican Attorneys General Association, Plaintiff(s)
vs.
Las Vegas Metropolitan Police Department, Defendant(s)

October 09, 2018 9:00 AM Motion

HEARD BY: Earley, Kerry **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Natalie Ortega

RECORDER: Sharon Nichols

REPORTER:

PARTIES

PRESENT: Forbush, Deanna Attorney

McCarty, Colleen E. Attorney Nichols, Jacqueline Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Ms. Forbush advised the writ of mandamus had not been accepted. Court noted it still retained jurisdiction. Further, this hearing was continued to determine the length, as in time frame, of the footage Ms. Nichols noted it was six hours of body cam footage stating there was no more than two hours depicting Senator Aaron Ford. Colloquy by counsel regarding the video footage. COURT ORDERED, matter HEARD; Las Vegas Metropolitan Police Department to provide the in camera review of all footage related to this event, for the Court's review.

PRINT DATE: 11/21/2018 Page 2 of 5 Minutes Date: October 05, 2018

DISTRICT COURT CLARK COUNTY, NEVADA

A-18-780538-W

Republican Attorneys General Association, Plaintiff(s)
vs.
Las Vegas Metropolitan Police Department, Defendant(s)

October 17, 2018 9:00 AM Petition

HEARD BY: Earley, Kerry COURTROOM: RJC Courtroom 12D

COURT CLERK: Elizabeth Vargas

RECORDER: Sharon Nichols

REPORTER:

PARTIES

PRESENT: Forbush, Deanna Attorney

McCarty, Colleen E. Attorney Nichols, Jacqueline Attorney

JOURNAL ENTRIES

- Court noted it reviewed the body camera video of officers provided and ORDERED, evidence FILED UNDER SEAL. Arguments by counsel regarding the Juvenile Court case, and applicable statutory and case law. COURT ORDERED, a Minute Order to be issued. Court stated it would review the body camera law. Ms. McCarty stated she was interested in Senator Ford's abuse of power, not the juvenile case; stated Las Vegas Metropolitan Police Department failed to follow the law and timely reply.

PRINT DATE: 11/21/2018 Page 3 of 5 Minutes Date: October 05, 2018

DISTRICT COURT CLARK COUNTY, NEVADA

Writ of Mandamus	COURT MINUTES	October 17, 2018
A 40 F00F00 III		
A-18-780538-W	Republican Attorneys General Association, Plaintiff(s)	
	VS.	
	Las Vegas Metropolitan Police Department, Defendant(s)	

October 17, 2018 2:00 PM Minute Order

HEARD BY: Earley, Kerry COURTROOM:

COURT CLERK: Elizabeth Vargas

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- This matter came before the Court on October 17, 2018. The Court has reviewed (1) Petitioner Republican Attorneys General Association s Emergency Motion for Examination of Records; (2) Respondent Las Vegas Metropolitan Police Departments Opposition Petitioner s Emergency Motion; (3) Petitioner s Opening Brief in Support of Public Records Act Application Pursuant to NRS 239.001/Petition for Writ of Mandamus; (4) Respondents Opposition thereto; and (5) Petitioner s Reply to Respondent s Opposition, including all attached exhibits and legal authority contained within all moving papers. Additionally, the Court has reviewed two (2) discs produced by Respondent for an in-camera review containing body worn camera footage from the scene of the investigation which is the subject of the present Petition. Based on all the papers, pleadings, exhibits, and legal authority presented to the Court, as well as considering oral arguments by Counsel Colleen McCarty, Esq. on behalf of Petitioner and Jackie V. Nichols on behalf of Respondent, the Court hereby makes its ruling.

The Court finds NRS 239.001 provides that public records are open to inspection; however, NRS 239.010(1) expressly creates an exemption to the disclosure of such records falling under NRS 62H.025. NRS 62H.025(6)(b) defines juvenile justice information as any information which is directly related to a child in need of supervision, a delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court.

PRINT DATE: 11/21/2018 Page 4 of 5 Minutes Date: October 05, 2018

Having reviewed in-camera the body worn camera footage, the Court has determined that all portions of the footage, including the portions with Senator Aaron Ford, is directly related to the investigation of a juvenile involved incident. The footage depicts the area where the incident occurred, juveniles being arrested, and discussions regarding the charges and juvenile process. All communications at the scene, including the ones involving Senator Aaron Ford, are directly related to the juvenile incident and the juvenile justice process as a result of the incident. Therefore, the Court finds all of the body worn camera footage in question is directly related to children who are otherwise subject to the jurisdiction of the juvenile court as defined in NRS 62H.025.

The Court further finds no legitimate interest exists to disseminate these confidential juvenile records. The appearance of adults and witnesses in addition to the juveniles at the crime scene does not remove the subject records outside the protection granted to juvenile justice information.

The Court further finds, records under 62H.025 may only be released in accordance with NRS 62H.025(r) which states juvenile justice information may only be released to (a) person who is authorized by a court order to receive the juvenile information, if the juvenile justice agency was provided with notice and the opportunity to be heard before the issuance of the order. The record is devoid of Petitioner providing the required notice to the juvenile justice agency in the instant Petition.

The Court further finds no valid legal basis for Petitioner's waiver argument that the failure of the public agency to timely respond waives the confidentiality of records that fall within juvenile justice information under NRS 62H.025.

Therefore, based on the foregoing, Petitioner Republican Attorneys General Association's Application Pursuant to NRS 239.001/Petition for Writ of Mandamus is DENIED. Counsel for Petitioner to prepare and submit Findings of Fact, Conclusions or Law, and Order pursuant to this Court's Order, to be approved as to form and content by Respondent's counsel. The Order shall be submitted to the Court, signed and approved by Counsel for Petitioner and Counsel for Respondent, by 5:00 pm on Friday, October 19, 2018.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Colleen McCarty, Esq. (cmccarty@clarkhill.com), Deanna Forbush, Esq. (dforbush@clarkhill.com) and Jacqueline Nichols, Esq. (jnichols@maclaw.com) //ev 10/17/18

PRINT DATE: 11/21/2018 Page 5 of 5 Minutes Date: October 05, 2018

EXHIBIT(S) LIST

Case No.:	A780538	Hearing	/ Tria	al Date:	10/17/18	
Dept. No.:	4	Judge:	Keı	rry Earley		
		Court Cl	erk:	Elizabe	eth Vargas	
Plaintiff:	Republican Attorneys General Association	Recorde	er/R	eporter:	Sharon Nichols	
		Counsel	for	Plaintiff:	Colleen McCarty, Esq.	
	VS.					
Defendant	Las Vegas Metropolitan Police Department	Counsel	for	Defendar	nt: Jackie Nichols, Esq.	
<u>-</u>			_		<u>-</u>	
	HEARING / TRIAL	BEFOR	E T	HE COI	URT	
COURT'S	EXHIBITS					

Exhibit Number	Exhibit Description	Date Offer	ed e	Objection	Date Admitted
1 (SEALED	10/17	[18	No	10/17/18
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Certification of Copy

State of Nevada	٦	CC.
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; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER DENYING REPUBLICAN ATTORNEYS GENERAL ASSOCIATION'S PUBLIC RECORDS ACT APPLICATION PURSUANT TO NRS 239.001/PETITION FOR WRIT OF MANDAMUS; NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER DENYING REPUBLICAN ATTORNEYS GENERAL ASSOCIATION'S PUBLIC RECORDS ACT APPLICATION PURSUANT TO NRS 239.001/PETITION FOR WRIT OF MANDAMUS; DISTRICT COURT MINUTES; EXHIBITS LIST

REPUBLICAN ATTORNEYS GENERAL ASSOCIATION.

Petitioner(s),

VS.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT,

Respondent(s),

now on file and of record in this office.

Case No: A-18-780538-W

Dept No: IV

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 21 day of November 2018.

Steven D. Grierson, Clerk of the Court

Amanda Hampton, Deputy Clerk

CLARK HILL PLC

OFFICE OPERATING ACCOUNT 3800 HOWARD HUGHES PARKWAY, SUITE 500 LAS VEGAS, NV 89169

Check Nº 17000039

11/19/2018 2410

AMOUNT

PAY

Two Hundred Fifty and 00/100

Dollars

\$250.00

To the order of

Clerk of the Supreme Court

CLARK HILL PLC

TWO SIGNATURES REQUIRED OVER \$10,000

X Citizens Bank

VOID AFTER 90 DAYS

#17000039# #241070417# 4504282908#

An Authorized Representative of the Firm

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