

IN THE SUPREME COURT OF THE STATE OF NEVADA

REPUBLICAN ATTORNEYS GENERAL  
ASSOCIATION,

Appellant,

vs.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,

Respondent.

Supreme Court No.: 77511

District Court Case No. A-18-780538-W  
Department 4

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JOINT APPENDIX VOLUME 3 of 4

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FROM THE EIGHTH JUDICIAL DISTRICT COURT  
THE HONORABLE JUDGE KERRY EARLEY, DISTRICT COURT JUDGE

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### CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this 11<sup>th</sup> day of March, 2019, I caused to be served a true and correct copy of the foregoing **JOINT APPENDIX VOLUME 3 of 4** by the method indicated to the counsel stated below:

- ☐ **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below.
- ☐ **BY PERSONAL DELIVERY:** by causing personal delivery of the document(s) listed above to the person(s) at the address(es) set forth below.
- ☒ **BY ELECTRONIC SUBMISSION:** submitted to the above-entitled Court for electronic filing and service upon the Court's Service List for the above-referenced case.

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**IN THE SUPREME COURT OF THE STATE OF NEVADA**

REPUBLICAN ATTORNEYS  
GENERAL ASSOCIATION,

Petitioner,

vs.

EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF  
NEVADA, IN AND FOR THE  
COUNTY OF CLARK, AND THE  
HONORABLE KERRY EARLEY,  
DISTRICT JUDGE,

Respondent.

LAS VEGAS METROPOLITAN  
POLICE DEPARTMENT,

Real Party in Interest

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D.C. Case No. A-18-780538-W

**REAL PARTY IN INTEREST, LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT'S, ANSWER TO EMERGENCY PETITION FOR WRIT  
OF MANDAMUS PURSUANT TO NRAP 21(a) AND NRAP 27(e)**

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## **NRAP 26.1 DISCLOSURE**

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a), and must be disclosed. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal.

1. Real Party in Interest, Las Vegas Metropolitan Police Department (“LVMPD”), is a government entity, and it is not owned in whole or in part by any publicly traded company.

2. LVMPD is represented in the District Court and in this Court by Marquis Aurbach Coffing.

Dated this 25th day of October, 2018.

MARQUIS AURBACH COFFING

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## **I. INTRODUCTION**

Republican Attorneys General Association's ("RAGA") Emergency Petition for Writ of Mandamus Pursuant to NRAP 21(a) and NRAP 27(e) ("Emergency Writ") is not the proper procedural vehicle to address the District Court's Order. RAGA cannot utilize a Writ Petition to bypass the remedy available—an appeal. Thus, RAGA's Emergency Writ should be denied on this basis alone. More importantly, however, RAGA's "Emergency" Writ is a result of its own doing. RAGA waited until the eleventh-hour to seek relief from the District Court for access to the requested records. Because RAGA's own conduct created the very emergency it complains of, it should not be granted extraordinary relief. Had RAGA sought access to the records in January, it would have had ample time to appeal the District Court's Order. RAGA's conscience decision to wait less than two months prior to the election to seek judicial intervention does not warrant extraordinary relief.

RAGA cannot demonstrate that the District Court abused its discretion. First, RAGA contends that the District Court erred by determining that NRS 62H.025 is exempt from the Nevada Public Records Act ("NPRA"). RAGA also argues that this matter is an issue of first impression. However, RAGA has ignored this Court's precedent regarding the NPRA and its conclusion that the

statutes provided within NRS 239.010(1) are exempt from the NPRA, as well as other records declared by law to be confidential. *See City of Sparks v. Reno Newspapers, Inc.*, 399 P.3d 352, 356 (2017) (concluding that “in addition to the specific exemptions listed in NRS 239.010, the NPRA also does not apply to records ‘otherwise declared by law to be confidential.’”).

Second, RAGA argues that the District Court erred because LVMPD failed to demonstrate, by a preponderance of the evidence, that the records requested relate to a juvenile court case. This argument fails. Nothing in the Juvenile Justice Act requires the records to pertain to a “juvenile court case.” Instead, the litmus is whether the information is related to a juvenile that is subject to the jurisdiction of the juvenile court. *See* NRS 62H.025. RAGA fails to recognize that there are multiple ways in which a juvenile court may exercise jurisdiction over a juvenile, such as probation, that do not require an actual juvenile court case to be opened. Furthermore, RAGA’s logic displaces the entire function and purpose of the Juvenile Justice Act. RAGA also disregards the fact that the District Court reviewed nearly two hours of Body Worn Camera footage in reaching its findings and did not solely rely on Officer Zarkowski’s declaration.

Finally, RAGA asserts that the District Court abused its discretion because it improperly applied NRS 62H.025 rather than NRS 289.830. The language in NRS

289.830, and the correlating legislative history, does not suggest that if a record is deemed confidential, it is open to inspection. NRS 289.830 provides that inspection is appropriate if a video contains confidential information that may not otherwise be redacted. In other words, if portions of the footage are confidential and redaction is not practicable, i.e., the redactions are significant, the record may be inspected. In this case, the District Court determined that the footage in its entirety is confidential and not subject to redaction.

RAGA's Petition is procedurally defective and must be denied on those grounds alone. However, even reaching the merits of RAGA's claims, this Court must deny RAGA's Petition because it has failed to demonstrate that the District Court abused its discretion in withholding confidential juvenile records.

## **II. RELEVANT FACTUAL AND PROCEDURAL BACKGROUND**

### **A. THE JUVENILE INCIDENT.**

On November 13, 2017, LVMPD investigated an incident involving certain juveniles. *See* Appendix (App.), Exhibit 5 at RAGA000109. As a result of the investigation, the juveniles were arrested for an alleged violation of law. *Id.* The incident did not involve an arrest of any adult. *Id.* Because the juveniles were arrested, LVMPD was required to notify the parents of the incident. *See* NRS 62C.010 (requiring an officer to notify the parent or guardian of the child that is

taken into custody). LVMPD provided its investigative file to relevant personnel within the juvenile justice system. *Id.*

**B. RAGA'S REQUEST FOR JUVENILE JUSTICE INFORMATION.**

RAGA sought records pertaining to juveniles. *See* App., Exhibit 1 at RAGA000020, 000026, 000036. In particular, RAGA made the following request:

[W]e request all body camera footage and or audio from body camera footage (if visual images do not exist), the police or investigative report or summary, witness and or victim statements, all computer aided dispatch (CAD) between all LVMPD personnel at the scene and with dispatch or any other statements by officers or witnesses related to an incident with LVMPD Officer Zarkowski **concerning minor child \_\_\_\_\_ and/or \_\_\_\_\_**, Aaron D. Ford (State Senator) at approximately 3:00 p.m. on November 13, 2017 at 7008 Connor Cove Street, Las Vegas, NV 89118.

*Id.* Notably, RAGA redacted the minor child's name(s) in its Petition with the Court because it recognized that juvenile information is protected under NRS 62H.020 and 62H.025. Nevertheless, it cannot be any clearer that RAGA's request directly relates to a minor child. *Id.* As such, LVMPD denied RAGA's request.

In an attempt to circumvent the confidential nature of its request, RAGA amended its request by removing the juvenile names and instead, sought records

. . .[R]elating to or depicting Aaron D. Ford's interactions with LVMPD Officer Zarkowski or other LVMPD personnel at approximately 3:00 on November 13, 2017, at 7008 Connor Cove Street, Las Vegas, NV 89118.

*Id.* at RAGA000043. As LVMPD previously explained to RAGA, its amended characterization in the request did not take it outside the scope of juvenile justice information, as defined in NRS 62H.025. *Id.* at RAGA000048. Indeed, RAGA recognized that its request related to a juvenile incident as its most recent request excluded any information that may be confidential pursuant to NRS 62H.025 and NRS 62H.030. *Id.* at RAGA000043.

### **C. THE DISTRICT COURT PROCEEDINGS AND FINDINGS.**

Nearly nine months after its initial request, and less than two months before the election, RAGA sought relief from the District Court for access to the requested records. *See* RAGA000001-000048, *generally*. Although RAGA requested other records, its Opening Brief only addressed access to the Body Worn Camera footage related to the juvenile incident. *See* App., Exhibit 2 at RAGA000049-92.

#### **1. RAGA's Motion for Examination of Records.**

On September 27, 2018, RAGA moved the District Court for “attorney’s eyes only” access to the Body Worn Camera footage. *See* App., Exhibit 3 at RAGA000141-150. In reviewing the motion, the District Court determined there was good cause to entertain the emergency motion. *See* App., Exhibit 7 at RAGA000177. On October 5, 2018, the lower court entertained oral arguments on

RAGA's emergency motion and determined that an "attorney's eyes only" review of the footage would waive the privileges asserted by LVMPD. *Id.* Alternatively, the District Court found that an *in camera* review of the relevant footage was appropriate so that the court would have sufficient information to make a determination on the merits at the upcoming October 17th hearing. *Id.* at RAGA000178.

On October 9, 2018, the District Court held a status check to determine the length, as in time, of the relevant footage. *See* Real Party in Interest's Appendix ("RPA") at 00001. Counsel for LVMPD informed the District Court that there was a total of six hours of footage related to the incident and, of the six hours, approximately two hours contained footage depicting Senator Ford. *Id.* The District Court ordered LVMPD to produce the two hours of video footage for an *in camera* review. *Id.* LVMPD submitted two discs to the District Court pursuant to its order. *See* App., Exhibit 8 at RAGA000184.<sup>1</sup> In its response to RAGA's Opening Brief, LVMPD also provided the District Court and RAGA with a *Vaughn* Index identifying information related to each Body Worn Camera video, including the officer, the time the video began recording, the length of the video, a

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<sup>1</sup>LVMPD provided the District Court with the following videos for *in camera* inspection: Zarkowski (4:01 PM); Kelly (4:25 PM); and Byers (4:37 PM, 4:44 PM, and 5:07 PM)



basic description of what the video contained, and the privilege asserted. *See* RAGA000111-112.

## **2. The District Court's Hearing on the Merits.**

On October 17, 2018, the District Court entertained oral arguments on the merits of RAGA's Petition. *Id.* at RAGA000184-000187. In support of its Petition, RAGA argued that NRS 62H.025 did not govern the requested records because it was not seeking juvenile justice information, and instead, it sought records related to Senator Aaron Ford, an adult. *See App.*, Exhibit 2 at RAGA000056-58. RAGA further contended that even if the records sought contained juvenile justice information, the Body Worn Camera statute, NRS 289.830, governed. Specifically, RAGA claimed that NRS 289.830 requires inspection if the records are deemed confidential. *See App.*, Exhibit 7 at RAGA000120-121.

LVMPD asserted that the records at issue concern juvenile justice information and, therefore, are deemed confidential pursuant to NRS 62H.025. *See App.*, Exhibit 5 at RAGA000093-114, *generally*. In support of its position, LVMPD first explained that the Legislature explicitly recognized the Juvenile Justice Act as an exemption to the NPRA. *Id.* at RAGA000098-99; *see also* NRS 239.010(1) (enumerating NRS 62H.025 within the list of statutes exempted from

the NRPA). To that end, it was LVMPD's position that the requested records concerned information directly related to a child subject to the jurisdiction of the juvenile court. *Id.* at RAGA000103. LVMPD provided a declaration from Officer Zarkowski, one of the arresting officers, that stated the juveniles were arrested for allegedly violating the law. *See* RAGA000109. LVMPD relied on NRS 62B.330 to demonstrate that the juveniles were subject to the jurisdiction of the juvenile court based on the allegation that the juveniles committed a delinquent act. *Id.* at RAGA000103. At the hearing, LVMPD also pointed the District Court to NRS 62C.010, which addresses the arrest of juveniles and the involvement of the juvenile court.<sup>2</sup>

### **3. The District Court's Findings and Conclusions.**

Although the District Court initially took the matter under advisement, it issued a minute order denying RAGA's Petition later that day.<sup>3</sup> The District Court found that the NPRA expressly creates an exemption to disclosure of records subject to NRS 62H.025. *See* App., Exhibit 8 at RAGA000185. The District Court further found that, after an *in camera* review of the Body Worn Camera

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<sup>2</sup> Given the short time frame that LVMPD has to respond, LVMPD cannot obtain a copy of the transcript.

<sup>3</sup> The Order Denying RAGA's Petition followed the minute order; thus, LVMPD did not find it necessary to include the minute order as part of the record.

footage, the entirety of the footage is directly related to the investigation of a juvenile involved incident, including a depiction of the area where the incident occurred, juveniles being arrested, and discussions regarding the juvenile process. *Id.* The District Court's review of the footage revealed that all the communications at the scene, including those involving Senator Ford, are directly related to the juvenile incident and the juvenile justice process as a result of the incident. Thus, the District Court found that the footage directly related to children who are otherwise subject to the jurisdiction of the juvenile court pursuant to NRS 62H.025. *Id.* Importantly, the District Court properly found that the appearance of adults and witnesses at the crime scene does not remove the subject records outside the protection granted to juvenile justice information. *Id.* As a result, RAGA's Petition was denied. *Id.* at RAGA000186.

## **I. STANDARDS OF REVIEW**

"Petitions for extraordinary writs are addressed to the sound discretion of the Court." *Nevada Mining Ass'n v. Erodes*, 117 Nev. 531, 536, 26 P.3d 753, 756 (2001) (citing *Smith v. Dist. Ct.*, 107 Nev. 674, 818 P.2d. 849 (1991)). A writ of mandamus is available to control an arbitrary or capricious exercise of discretion." *Aspen Financial Services, Inc. v. Eighth Judicial Dist. Court of State ex rel. County of Clark*, 129 Nev. 878, 881, 313 P.3d 875, 877 (2013) (citations omitted).

A writ may only issue where there is no “plain, speedy, and adequate remedy at law.” NRS 34.330. Extraordinary relief is warranted only “where circumstances reveal urgency or strong necessity.” *Jeep Corp. v. Dist. Ct.*, 98 Nev. 440, 443, 652 P.2d 1183, 1185 (1982). Moreover, writs are not appropriate where, under the circumstances of the case, “the ends of justice do not warrant issuance of the extraordinary writ petitioners seek from this court.” *Smith v. Dist. Ct.*, 107 Nev. at 679, 818 P.2d at 853 (citation omitted). RAGA “has the burden of demonstrating that this court’s extraordinary intervention is warranted.” *Corp. Bishop, LDS v. Seventh Jud. Dist. Ct.*, 366 P.3d 1117, 1119, 132 Nev. Adv. Op. 6 (2016) (citing *Pan v. Eighth Jud. Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004)).

Generally, this Court reviews a district court’s order resolving a petition for mandamus relief for an abuse of discretion. *DR Partners v. Bd. of Cnty. Comm’rs*, 116 Nev. 616, 621, 6 P.3d 465, 468 (2000). “A manifest abuse of discretion is ‘[a] clearly erroneous interpretation of the law or a clearly erroneous application of a law or rule.’” *State v. Eighth Judicial Dist. Court*, 127 Nev. 927, 932, 267 P.3d 777, 780 (2011) (quoting *Steward v. McDonald*, 330 Ark. 837, 958 S.W.2d 297, 300 (1997)). In addition, when considering a writ petition, this court reviews legal questions de novo and “gives deference to the district court’s findings of fact.”

*Williams v. Eighth Judicial Dist. Court, ex rel. County of Clark*, 127 Nev. 518, 525, 262 P.3d 360, 365 (2011).

## **II. LEGAL ARGUMENT**

### **A. RAGA’S EMERGENCY WRIT IS NOT THE PROPER PROCEDURAL VEHICLE TO ADDRESS THE DISTRICT COURT’S ORDER.**

“This [C]ourt has previously pointed out, on several occasions, that the right to appeal is generally an adequate legal remedy that precludes writ relief.” *Pan*, 120 Nev. at 225, 88 P.3d at 842 (2004). A party who is aggrieved by an appealable order may appeal from that order. NRAP 3A(a). An appeal may be taken from a final judgment entered in an action or proceeding commenced in the court in which the judgment is entered. NRAP 3A(b)(1). Furthermore, this Court has ruled that a writ of mandamus is not a substitute for an appeal. *Archon Corp. v. Eighth Jud. Dist. Ct.*, 407 P.3d 702, 706 (2017). Writs of mandamus are issued cautiously and sparingly, as the remedy of mandamus is a drastic one, to be invoked only in extraordinary situations or under exceptional circumstances. *Id.* (citation omitted).

The District Court’s Order denying RAGA’s Petition is an appealable order. NRAP 3A(b)(1); *see also PERS v. Nevada Policy Research Institute, Inc.*, 134 Nev. Adv. Op. 81, \_\_\_ P.3d\_\_\_ (2018) (appeal from denial of Petition concerning Public Records Act); *City of Sparks v. Reno Newspapers*, 399 P.3d 352 (2017) (appeal from granting Petition concerning public records). Because the District

Court's Order is directly appealable, RAGA has an adequate legal remedy, precluding writ relief. Moreover, it is clear that RAGA is utilizing the Writ procedure as a substitute for an appeal, which is prohibited. Thus, on this ground alone, this Court should decline to entertain RAGA's Writ.

**B. RAGA MANUFACTURED ITS OWN EMERGENCY.**

“Whether a future appeal is sufficiently adequate and speedy necessarily turns on the underlying proceedings’ status, the types of issues raised in the writ petition, and whether a future appeal will permit this court to meaningfully review the issues presented.” *D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474–75, 168 P.3d 731, 736 (2007). RAGA argues that the upcoming election creates an urgency and strong necessity for this Court to entertain its Writ. RAGA urges this Court to consider its Emergency Writ because it raises issues concerning an important clarification of law, as well as issues of public policy, regarding exemptions to the NPRA. However, this Court has established that the statutes codified within NRS 239.010(1) are exempt from the NPRA, negating any arguments RAGA raised pertaining to this issue. *See City of Sparks*, 399 P.3d at 355.

RAGA's “Emergency” Writ does not warrant extraordinary relief. Any “emergency” claimed by RAGA was a result of its own making and is insufficient to warrant extraordinary relief. *See Half Dental Franchise v. Houchin*, 2017 WL

3326425, n.1 (August 3, 2017) (denying an emergency motion because the emergency was the party's own making). RAGA first sought access to the requested records in December 2017. Nine months later, and just two months before the election, RAGA filed its Petition pursuant to the NPRA. RAGA now claims that the District Court's decision must be reviewed on an emergency basis because it waited until the eleventh-hour to seek judicial relief. Because RAGA manufactured the very "emergency" it now complains of, this Court should decline to entertain the Writ.

**C. THE EMERGENCY WRIT PRESENTS ISSUES OF FACT, NOT LAW.**

Importantly, this Court has refrained from exercising its discretion to entertain a petition for writ of mandamus if factual, rather than legal, issues are presented. *Round Hill General Imp. Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981). In such instances, the appropriate vehicle is an appeal to this Court, rather than writ relief. *Id.* The issues presented in RAGA's Emergency Writ concerns factual findings made by the District Court. RAGA complains that the requested records were categorized as "juvenile justice information" despite its request for records pertaining to Senator Ford. The District Court's findings were based on its thorough review of the Body Worn Camera footage depicting Senator

Ford. Whether the records pertain to “juvenile justice information” is an issue of fact—not law. Thus, RAGA’s Writ is procedurally improper and must be denied.

**D. THE DISTRICT COURT DECISION DENYING RAGA’S PETITION WAS PROPER.**

**1. The NPRA.**

Under the Nevada Public Records Act (“NPRA”), a person may request to inspect or have a copy made of a public record from a governmental entity. *See* NRS 239.010. A governmental agency may deny a public records request if the public record sought is deemed confidential. NRS 239.0107(1)(d). In doing so, the governmental entity must inform the requester that the requested records are confidential and cite to the legal authority that renders the records confidential. *Id.*

Upon denial of a request to inspect or copy records, the requester may apply to the district court for an order requiring the disclosure or inspection of records. NRS 239.011(1). Generally, a court is to presume that all public records are open to disclosure unless either: (1) a statute has expressly created an exemption or exception to disclosure; or (2) after balancing the interests for nondisclosure against the general policy of access, the court determines restriction of public access is appropriate. *See City of Sparks*, 399 P.3d at 355. During a *judicial proceeding* regarding the confidentiality of records, the governmental entity has the burden of proving by a preponderance of the evidence that the requested record



is confidential. NRS 239.0113 (emphasis added). The entity meets this burden if it shows that a statutory provision declares the record confidential. *City of Sparks*, 399 P.3d at 355. (citation omitted).

**2. This Court Has Previously Established That the NPRA Expressly Provides for Exemptions Within NRS 239.010(1).**

The Legislature explicitly recognized the Juvenile Justice Act as an exemption to the NPRA. *See* NRS 239.010(1). In 2013, the Legislature made significant changes to the NPRA, and specifically to NRS 239.010 based upon recent Supreme Court decisions. *See* Assembly Bill 31, 77 Nev. Leg., generally. Today, NRS 239.010 provides:

Except as otherwise stated in this section and . . . NRS 62H.025, NRS 62H.030 . . . and unless otherwise declared by law to be confidential . . . all public books and public records of a governmental entity must be [subject to inspection] and may be fully copied . . .

There is no doubt that the list of statutes now enumerated within NRS 239.010 serve as exceptions to the NPRA's disclosure requirements. In fact, the entire purpose of codifying statutes was to provide clarity to both the public and government in determining what records were exempt from the NPRA. *See* Hearing on AB 31 Before the Assembly Committee on Government Affairs, 77 Leg. (Nev. Feb. 7, 2013). Based on the inclusion of NRS 62H.025 and NRS 62H.030 within the set of statutes exempted from the NPRA, it is clear that the Legislature recognized an exception to the NPRA for juvenile records. Thus, the

District Court properly relied upon NRS 62H.025 in determining that the requested records were confidential.

Last year, this Court was faced with a similar issue. *See City of Sparks*, 399 P.3d at 356. In *City of Sparks*, the government asserted that the Legislature expressly and unequivocally created an exemption or exception from disclosure under NRS 453A.370(5) and NAC 453A.714. *Id.* at 355. One of the arguments made by the Reno Gazette Journal (“RGJ”) was that NRS 453A.370(5) cannot be construed as authorizing an exception to public disclosure laws because any exceptions to the NPRA can only exist when explicitly provided for under NRS 239.010. *Id.* at 356. This Court concluded that “in addition to the *specific exemptions* listed in NRS 239.010, the NPRA also does not apply to records “otherwise declared by law to be confidential.” *Id.* (emphasis added). As such, this Court has specifically acknowledged that the statutes identified within NRS 239.010(1) are exempt from the NPRA. Even if NRS 62H.025 was not codified within NRS 239.010(1), the District Court nonetheless reached the correct decision because NRS 62H.025 expressly and unequivocally deems the requested records confidential and, thus, exempt from disclosure under the NPRA. *See City of Sparks*, 399 P.3d at 358 (determining that NAC 453A.714 expressly deemed the information sought confidential; thus, exempting it from disclosure).

RAGA implies that because NRS 239.010(1) includes provisions within the NPRA, including NRS 239.0105 and NRS 239.0113, such an interpretation would lead to an absurd result. This argument, however, falls short. NRS 239.0105 expressly pertains to confidentiality of certain records of local governmental entities and serves as an exception to disclosure of public records. Similarly, NRS239.0113 addresses the government's burden of proof in demonstrating confidentiality in a judicial proceeding. This is codified because it is well-established that a governmental entity has two avenues of demonstrating confidentiality: (1) a statute has expressly created an exemption or exception to disclosure; or (2) after balancing the interests for nondisclosure against the general policy of access, the court determines restriction of public access is appropriate. *See City of Sparks*, 399 P.3d at 355. The inclusion of NRS 239.0113 within NRS 239.010(1) demonstrates that if the interests weigh in favor confidentiality over public access, the records are exempt from disclosure under the NPRA. Therefore, this District Court's determination that NRS 62H.025 is an exemption to the NPRA was appropriate and should not be disturbed by this Court.

3. **The District Court Did Not Abuse Its Discretion in Finding That the Requested Records Involved Juvenile Justice Information.**

a. **Juvenile Justice Information is Not Limited to Juvenile Court Records.**

RAGA misinterprets NRS 62H.025 to only apply to juvenile court records.

To the contrary, NRS 62H.025 provides, in pertinent part:

Juvenile justice information is confidential and may only be released in accordance with the provisions of this section or as expressly authorized by other federal or state law.

Juvenile justice information is further defined as “any information which is directly related to a child . . . subject to the jurisdiction of the juvenile court.” NRS 62H.025(6)(b). Nothing within these provisions specifically address juvenile court records. A cursory review of the Juvenile Justice Act demonstrates that a juvenile court case need not be open for a juvenile court to have jurisdiction over a juvenile. *See* NRS 62B.330 (child alleged to have committed a delinquent act is subject to jurisdiction of juvenile court); NRS 62B.340 (juvenile court has jurisdiction over any child on probation or release from parole); NRS 62C.100 (requiring a probation officer to conduct a preliminary inquiry to determine the best interest of the child prior to filing a petition in juvenile court, including determining if informal supervision (probation) is appropriate). Thus, LVMPD was not required to prove that a juvenile court case existed. Rather, LVMPD had to prove that the

records pertained to children subject to the jurisdiction of the juvenile court. The District Court, after its *in camera* review of the subject records found LVMPD met its burden in this regard.

**b. LVMPD Established the Records Concern Juvenile Justice Information.**

LVMPD demonstrated, by a preponderance of evidence, that the requested records involve juvenile justice information and are deemed confidential. The mere allegation that a child committed a delinquent act places the child within the exclusive jurisdiction of the juvenile court. NRS 62B.330(1). A delinquent act includes a violation of any rule or regulation that have the force of law. *Id.* Officer Zarkowski declared that the juveniles were arrested for allegedly violating the law. This places the juveniles within the jurisdiction of the juvenile court. Furthermore, the juvenile court's involvement is necessary when a juvenile is arrested. *See* NRS 62C.010. If a child is taken into custody, unless it is otherwise ordered by the juvenile court, the child must be released to the custody of a parent or guardian. NRS 62C.010(2)(c). Upon release, the parent or guardian must sign a written agreement to bring the child before the juvenile court at a time stated in the agreement or as the juvenile court may direct. *Id.* This written agreement must be submitted to the juvenile court as soon as possible. *Id.* Because an arrest of a juvenile requires an appearance before juvenile court, there is no other conclusion

one can reach other than the juveniles are subject to the jurisdiction of the juvenile court, rendering the related records confidential.

RAGA's Emergency Writ completely disregards the fact that the District Court's findings that the requested records pertained to juvenile justice information was based primarily on its *in camera* review of the Body Worn Camera footage. To ensure RAGA had ample opportunity to rebut LVMPD's asserted privilege, LVMPD also provided a *Vaughn* index with its Opposition that provided a basic description of what the footage showed. As LVMPD argued in its Opposition, and the District Court found, the Body Worn Camera footage strictly relates to the juvenile incident. The footage depicts the scene of the incident, the arrested juveniles, and communications about the juveniles and juvenile process. Because the videos pertain to the very incident that placed the juveniles within the jurisdiction of the juvenile court, the records undoubtedly concern juvenile justice information and are not subject to disclosure. Based on these findings, RAGA cannot demonstrate that the District Court abused its discretion in denying its Petition.

**E. THE REQUESTED RECORDS ARE GOVERNED BY NRS 62H.025, NOT NRS 289.830.**

Contrary to RAGA's interpretation, NRS 289.830 permits inspection of records that contain confidential information that may not otherwise be redacted.

This does not permit inspection of records expressly and unequivocally deemed confidential. The Legislative history demonstrates that inspection of confidential information is appropriate when redactions are not feasible.

“[W]hen examining a statute, this court ... ascribe[s] plain meaning to its words, unless the plain meaning was clearly not intended.” *A.J. v. Eighth Jud. Dist. Ct.*, 394 P.3d 1209, 1213 (2017). Ambiguity, however, is not always a prerequisite to using extrinsic aids. *Id.* (citing 2A Norman J. Singer & Shambie Singer, *Statutes and Statutory Construction* § 48:1, at 554 (7th ed. 2014)). “[T]he plain meaning rule ... is not to be used to thwart or distort the intent of [the Legislature] by excluding from consideration enlightening material from the legislative” history. *Id.* at 555–56 (first alteration in original) (internal quotation marks omitted). As the United States Supreme Court declared, “even the most basic general principles of statutory construction must yield to clear contrary evidence of legislative intent.” *Nat’l R.R. Passenger Corp. v. Nat’l Ass’n of R.R. Passengers*, 414 U.S. 453, 458 (1974). “And courts even have concluded that statutory interpretation necessarily begins with consideration of the legislative history to uncover any indications of legislative intent.” 2A *Statutes and Statutory Construction*, *supra*, § 48:1, at 556 (internal quotation marks omitted). Thus, this Court should consider the Legislature’s intent in enacting NRS 289.830.

In 2015, Assembly Bill 162 (“AB 162”) proposed that law enforcement agencies may require on-duty officers to wear “portable event recording devices,” also known as BWC. Hearing on AB 162 Before the Assembly Committee on Government Affairs, 78 Leg. (Nev. Mar. 9, 2015). The general purpose of this bill was to promote transparency and assist with the relationship between the public and law enforcement given the events occurring around the country at the time, such as the death of Michael Brown in Ferguson, Missouri. *Id.*

Mr. Chuck Callaway, the Director of Office of Intergovernmental Services of LVMPD, gave testimony in support of AB 162 and described it as “win-win.” *Id.* While that majority of questions directed at Mr. Callaway concerned the expenses associated with the devices, Mr. Callaway discussed in detail the effects public records laws have on similar BWC statutes. *Id.* Mr. Callaway referenced an article in *The Seattle Times* entitled “Costly Public-Records Requests May Threaten SPD (Seattle Police Department) Plan for Body Cameras.” *Id.* In discussing the article, Mr. Callaway explained the need for criteria within the law for requesting body camera footage. *Id.* For example, requests should be made for a specific incident rather than blanket requests for videos from one date to another date. *Id.*



Mr. Callaway further clarified the need for inspection when footage contained confidential or sensitive information. *Id.* In instances where redaction of the confidential information is not feasible, inspection would be available, comporting with the NPRA. *Id.* Redaction of information requires frame by frame audio and visual redaction. *Id.* Even in a three-minute video, it would take a significant amount of time to review the video and redact an individual's face from each particular frame of the video. *Id.* Mr. Callaway echoed these same sentiments on March 11, 2015 before the Senate Committee regarding Senate Bill 111 ("SB 111"). Hearing on SB 111 Before the Senate Committee on Government Affairs, 78 Leg. (Nev. Mar. 11, 2015).

The Legislature intended to allow inspection of records that contained confidential information that would otherwise be subject to redaction pursuant to the NPRA. The NPRA requires an entity to redact confidential information from a public record. NRS 239.010(3). However, because redaction of video footage can be time consuming and costly, the Legislature carved out an exception for Body Worn Camera footage. The inspection exception applies only to information that would generally be redacted from other public records. By way of example, if the records at issue concerned Senator Ford receiving a traffic citation and there was a juvenile sitting in the front seat of his vehicle, this footage would be a public

record subject to redaction of the juvenile. Redaction of the juvenile, however, may not be feasible and inspection would be appropriate under NRS 289.830.

In this case, the records pertain to juvenile justice information and are expressly deemed confidential. Neither NRS 289.830 nor the NPRA permit inspection of records which are confidential by statute. Furthermore, the District Court found that the records in their entirety—not just portions—concerned juvenile justice information. Inspection pursuant to NRS 289.830 applies when records contain *some* confidential information that would otherwise be redacted from other public records—not records deemed confidential by statute. As such, the District Court did not err in denying RAGA’s Petition.

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### III. CONCLUSION

Based on the foregoing, LVMPD requests that this Court deny RAGA's Emergency Petition for Writ of Mandamus.

Dated this 25th day of October, 2018.

MARQUIS AURBACH COFFING

By /s/ Jackie V. Nichols, Esq.

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*Attorneys for Real Party in Interest*

*Las Vegas Metropolitan Police*

*Department*

## **CERTIFICATE OF COMPLIANCE**

1. I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word 2007 in 14-point Times New Roman font.

2. I further certify that this brief complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is either:

☒ proportionally spaced, has a typeface of 14 points or more and contains 5,254 words; or

☐ does not exceed \_\_\_\_\_ pages.

3. Finally, I hereby certify that I have read this brief, and to the best of my knowledge, information and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to

sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated this 25th day of October, 2018.

MARQUIS AURBACH COFFING

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*Las Vegas Metropolitan Police*

*Department*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **REAL PARTY IN INTEREST, LAS VEGAS METROPOLITAN POLICE DEPARTMENT'S, ANSWER TO EMERGENCY PETITION FOR WRIT OF MANDAMUS PURSUANT TO NRAP 21(a) AND NRAP 27(e)** and the **INDEX TO APPENDIX OF REAL PARTY IN INTEREST, LAS VEGAS METROPOLITAN POLICE DEPARTMENT** was filed electronically with the Nevada Supreme Court on the 25th day of October, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Deanna L. Forbush, Esq.  
Colleen E. McCarty, Esq.  
Clark Hill PLLC  
3800 Howard Hughes Pkwy., Suite 500  
Las Vegas, Nevada 89169

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

N/A

/s/ Julia Rodionova  
Julia Rodionova, an employee of  
Marquis Aurbach Coffing

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

REPUBLICAN ATTORNEYS  
GENERAL ASSOCIATION,

Petitioner,

vs.

EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF  
NEVADA, IN AND FOR THE  
COUNTY OF CLARK, AND THE  
HONORABLE KERRY EARLEY,  
DISTRICT JUDGE,

Respondents,

LAS VEGAS METROPOLITAN  
POLICE DEPARTMENT,

Real Party in Interest.

Case No.: 77219

Electronically Filed  
Oct 25 2018 09:33 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**APPENDIX OF REAL PARTY IN INTEREST,**  
**LAS VEGAS METROPOLITAN POLICE DEPARTMENT**

**Marquis Aurbach Coffing**

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*Las Vegas Metropolitan Police Department*

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**INDEX TO APPENDIX OF REAL PARTY IN INTEREST,**  
**LAS VEGAS METROPOLITAN POLICE DEPARTMENT**

<b><u>DOCUMENT DESCRIPTION</u></b>	<b><u>LOCATION</u></b>
October 5, 2018 and October 9, 2018 Hearing Minutes	Bates No. 00001



[Skip to Main Content](#) [Logout](#) [My Account](#) [Search Menu](#) [New District Civil/Criminal Search](#) [Refine Search](#) [Close](#)

Location : District Court Civil/Criminal [Help](#)

## REGISTER OF ACTIONS

CASE NO. A-18-780538-W

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

§  
§  
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§  
§  
§

Case Type: **Writ of Mandamus**  
Date Filed: **09/06/2018**  
Location: **Department 4**  
Cross-Reference Case Number: **A780538**

### PARTY INFORMATION

**Defendant Las Vegas Metropolitan Police Department**

**Lead Attorneys**  
**Jacqueline Nichols**  
*Retained*  
702-382-0711(W)

**Plaintiff Republican Attorneys General Association**

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

### EVENTS & ORDERS OF THE COURT

10/05/2018 **Motion** (9:00 AM) (Judicial Officer Earley, Kerry)  
**10/05/2018, 10/09/2018**  
**OST**

#### Minutes

10/05/2018 9:00 AM

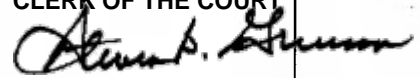
- Jackie Nichols, Esq. and Nick Crosby, Esq. present on behalf of Defendant. Court noted it reviewed all documents. Ms. McCarty requested an order for an attorney's eyes-only viewing of the video and records involving Senator Aaron Ford pursuant to case law. Ms. Nichols argued the body camera video footage 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.

10/09/2018 9:00 AM

- 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.

[Parties Present](#)

[Return to Register of Actions](#)



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13 Attorneys for Petitioner  
14 Republican Attorneys General Association

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 **REPUBLICAN ATTORNEYS GENERAL**  
18 **ASSOCIATION,**

19 **Petitioner,**

20 **vs.**

21 **LAS VEGAS METROPOLITAN POLICE**  
22 **DEPARTMENT,**

23 **Respondent.**

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

24 **NOTICE OF APPEAL**

25 **NOTICE IS HEREBY GIVEN** that Petitioner, Republican Attorneys General  
26 Association ("RAGA" or "Petitioner"), by and through its attorneys of record, Deanna L.  
27 Forbush, Esq. and Colleen E. McCarty, Esq. of the law firm of Clark Hill PLLC, hereby appeals  
28 to the Supreme Court of Nevada from the Findings of Fact, Conclusions of Law and Order  
Denying Republican Attorneys General Association's Public Records Act Application

...

...

...

1 Pursuant to NRS 239.001/Petition for Writ of Mandamus entered in this action on the 19<sup>th</sup> day  
2 of October, 2018.

3 Dated this 19<sup>th</sup> of November, 2018.

4 **CLARK HILL PLLC**

5  
6  
7 By: 

8 DEANNA L. FORBUSH

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16 Republican Attorneys General Association  
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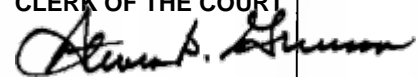
CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Clark Hill PLLC, and that on this 19th day of November, 2018, I served a true and correct copy of the foregoing NOTICE OF APPEAL 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.  
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Attorneys for Respondent  
Las Vegas Metropolitan Police Department



\_\_\_\_\_  
An Employee of Clark Hill PLLC



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14 Republican Attorneys General Association

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 REPUBLICAN ATTORNEYS GENERAL  
18 ASSOCIATION,

19 Petitioner,

20 vs.

21 LAS VEGAS METROPOLITAN POLICE  
22 DEPARTMENT,

23 Respondent.

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

**CASE APPEAL STATEMENT**

24  
25  
26  
27  
28  
Petitioner, Republican Attorneys General Association ("RAGA" or "Petitioner"), by and through its attorneys of record, Deanna L. Forbush, Esq. and Colleen E. McCarty, Esq., of the law firm of Clark Hill PLLC, hereby submits its Case Appeal Statement, pursuant to Rule 3(f) of the Nevada Rules of Appellate Procedure, as follows:

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///

1 (A) The district court case number and caption showing the names of all parties to the  
2 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  
9 appellant:

10 Republican Attorneys General Association, Appellant.

11 Deanna L. Forbush, Esq.  
12 Colleen E. McCarty, Esq.  
13 Clark Hill PLLC  
14 3800 Howard Hughes Parkway, Suite 500  
15 Las Vegas, Nevada 89169  
16 Attorneys for Appellant

17 (D) The name of each respondent and the name and address of appellate counsel, if  
18 known, for each respondent, but if the name of a respondent's appellate counsel is  
19 not known, then the name and address of that respondent's trial counsel:

20 Las Vegas Metropolitan Police Department, Respondent.

21 Nick D. Crosby, Esq.  
22 Jackie V. Nichols, Esq.  
23 Marquis Aurbach Coffing  
24 10001 Park Run Drive  
25 Las Vegas, Nevada 89145  
26 Attorneys for Respondent

27 (E) Whether an attorney identified in response to subparagraph (D) is not licensed to  
28 practice law in Nevada, and if so, whether the district court granted that attorney  
permission to appear under SCR 42, including a copy of any district court order  
granting that permission:

Not applicable.

///

///

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

3 Not applicable.

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

6 Not applicable.

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

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

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

13 This appeal seeks review of an order entered by the district court pertaining to a public  
14 records act application/petition for writ of mandamus submitted pursuant to the Nevada Public  
15 Records Act ("NPRA"), NRCP 239.011, after Respondent LVMPD declined to produce certain  
16 public records pertaining to a law enforcement contact involving then State Senator, now  
17 Attorney-General Elect Aaron Ford, which occurred on November 13, 2017. On October 18,  
18 2018, the district court entered Findings of Fact, Conclusions of Law and Order Denying  
19 Republican Attorneys General Association's Public Records Act Application Pursuant to NRS  
20 239.001/Petition for Writ of Mandamus ("Order") denying the petition on the basis that the  
21 records were exempted from disclosure under NRS 239.010(1) as confidential juvenile justice  
22 records under NRS 62H.025. The Order was noticed on October 19, 2018. RAGA asserts that  
23 the requested records are public records pursuant to the NPRA and other applicable statutes,  
24 notably NRS 289.830, which states without exception that body worn camera video that is  
25 central to the public records request is a public record.  
26

27 ///

28 ///

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

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

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

10 Not applicable.

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

12 RAGA does not believe this appeal involves the possibility of settlement as the original  
13 public records request was made nearly one year ago and the LVMPD has not produced a single  
14 responsive record.  
15

16 Dated this 19<sup>th</sup> of November, 2018.

17 CLARK HILL PLLC

18  
19 By: 

20 DEANNA L. FORBUSH

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27 Attorneys for Petitioner

28 Republican Attorneys General Association



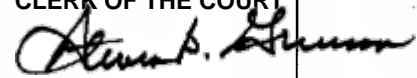
**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of Clark Hill PLLC, and that on this 19<sup>th</sup> 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.  
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Attorneys for Respondent  
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\_\_\_\_\_  
An Employee of Clark Hill PLLC



Electronically Filed  
Nov 28 2018 02:15 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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12 Facsimile: (702) 862-8400  
13 Attorneys for Petitioner  
14 Republican Attorneys General Association

DISTRICT COURT

CLARK COUNTY, NEVADA

12 REPUBLICAN ATTORNEYS GENERAL  
13 ASSOCIATION,

14 Petitioner,

15 vs.

16 LAS VEGAS METROPOLITAN POLICE  
17 DEPARTMENT,

18 Respondent.

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

NOTICE OF APPEAL

19 NOTICE IS HEREBY GIVEN that Petitioner, Republican Attorneys General  
20 Association ("RAGA" or "Petitioner"), by and through its attorneys of record, Deanna L.  
21 Forbush, Esq. and Colleen E. McCarty, Esq. of the law firm of Clark Hill PLLC, hereby appeals  
22 to the Supreme Court of Nevada from the Findings of Fact, Conclusions of Law and Order  
23 Denying Republican Attorneys General Association's Public Records Act Application  
24

25 ...

26 ...

27 ...  
28

1 Pursuant to NRS 239.001/Petition for Writ of Mandamus entered in this action on the 19<sup>th</sup> day  
2 of October, 2018.

3 Dated this 19<sup>th</sup> of November, 2018.

4 **CLARK HILL PLLC**

5  
6  
7 By: 

8 DEANNA L. FORBUSH

9 Nevada Bar No. 6646

10 COLLEEN E. MCCARTY, ESQ.

11 Nevada Bar No. 13186

12 3800 Howard Hughes Parkway, Suite 500

13 Las Vegas, Nevada 89169

14 Telephone: (702) 862-8300

15 Attorneys for Petitioner

16 Republican Attorneys General Association  
17  
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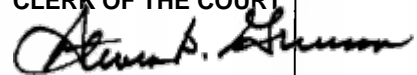
CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Clark Hill PLLC, and that on this 19th day of November, 2018, I served a true and correct copy of the foregoing NOTICE OF APPEAL 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



1 **ASTA**  
2 DEANNA L. FORBUSH  
3 Nevada Bar No. 6646  
4 Email: dforbush@clarkhill.com  
5 COLLEEN E. MCCARTY  
6 Nevada Bar No. 13186  
7 Email: cmccarty@clarkhill.com  
8 **CLARK HILL PLLC**  
9 3800 Howard Hughes Parkway, Suite 500  
10 Las Vegas, Nevada 89169  
11 Telephone: (702) 862-8300  
12 Facsimile: (702) 862-8400  
13 Attorneys for Petitioner  
14 Republican Attorneys General Association

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 REPUBLICAN ATTORNEYS GENERAL  
18 ASSOCIATION,

19 Petitioner,

20 vs.

21 LAS VEGAS METROPOLITAN POLICE  
22 DEPARTMENT,

23 Respondent.

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

**CASE APPEAL STATEMENT**

24  
25  
26  
27  
28  
Petitioner, Republican Attorneys General Association ("RAGA" or "Petitioner"), by and through its attorneys of record, Deanna L. Forbush, Esq. and Colleen E. McCarty, Esq., of the law firm of Clark Hill PLLC, hereby submits its Case Appeal Statement, pursuant to Rule 3(f) of the Nevada Rules of Appellate Procedure, as follows:

///

///

///

///

///

1 (A) The district court case number and caption showing the names of all parties to the  
2 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  
9 appellant:

10 Republican Attorneys General Association, Appellant.

11 Deanna L. Forbush, Esq.  
12 Colleen E. McCarty, Esq.  
13 Clark Hill PLLC  
14 3800 Howard Hughes Parkway, Suite 500  
15 Las Vegas, Nevada 89169  
16 Attorneys for Appellant

17 (D) The name of each respondent and the name and address of appellate counsel, if  
18 known, for each respondent, but if the name of a respondent's appellate counsel is  
19 not known, then the name and address of that respondent's trial counsel:

20 Las Vegas Metropolitan Police Department, Respondent.

21 Nick D. Crosby, Esq.  
22 Jackie V. Nichols, Esq.  
23 Marquis Aurbach Coffing  
24 10001 Park Run Drive  
25 Las Vegas, Nevada 89145  
26 Attorneys for Respondent

27 (E) Whether an attorney identified in response to subparagraph (D) is not licensed to  
28 practice law in Nevada, and if so, whether the district court granted that attorney  
permission to appear under SCR 42, including a copy of any district court order  
granting that permission:

Not applicable.

///

///

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

3 Not applicable.

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

6 Not applicable.

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

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

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

13 This appeal seeks review of an order entered by the district court pertaining to a public  
14 records act application/petition for writ of mandamus submitted pursuant to the Nevada Public  
15 Records Act ("NPRA"), NRCP 239.011, after Respondent LVMPD declined to produce certain  
16 public records pertaining to a law enforcement contact involving then State Senator, now  
17 Attorney-General Elect Aaron Ford, which occurred on November 13, 2017. On October 18,  
18 2018, the district court entered Findings of Fact, Conclusions of Law and Order Denying  
19 Republican Attorneys General Association's Public Records Act Application Pursuant to NRS  
20 239.001/Petition for Writ of Mandamus ("Order") denying the petition on the basis that the  
21 records were exempted from disclosure under NRS 239.010(1) as confidential juvenile justice  
22 records under NRS 62H.025. The Order was noticed on October 19, 2018. RAGA asserts that  
23 the requested records are public records pursuant to the NPRA and other applicable statutes,  
24 notably NRS 289.830, which states without exception that body worn camera video that is  
25 central to the public records request is a public record.  
26

27 ///

28 ///

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

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

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

10 Not applicable.

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

12 RAGA does not believe this appeal involves the possibility of settlement as the original  
13 public records request was made nearly one year ago and the LVMPD has not produced a single  
14 responsive record.  
15

16 Dated this 19<sup>th</sup> of November, 2018.

17 CLARK HILL PLLC

18  
19 By: 

20 DEANNA L. FORBUSH

21 Nevada Bar No. 6646

22 COLLEEN E. MCCARTY, ESQ.

23 Nevada Bar No. 13186

24 3800 Howard Hughes Parkway, Suite 500

25 Las Vegas, Nevada 89169

26 Telephone: (702) 862-8300

27 Attorneys for Petitioner

28 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 this 19<sup>th</sup> 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  
 (s)

§  
§  
§  
§  
§

Location: **Department 4**  
 Judicial Officer: **Earley, Kerry**  
 Filed on: **09/06/2018**  
 Case Number History:  
 Cross-Reference Case Number: **A780538**

### 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






<b>Plaintiff</b>	<b>Republican Attorneys General Association</b>	<i>Lead Attorneys</i> <b>Forbush, Deanna</b> <i>Retained</i> 702-862-8300(W)
<b>Defendant</b>	<b>Las Vegas Metropolitan Police Department</b>	<b>Nichols, Jacqueline</b> <i>Retained</i> 702-382-0711(W)

### DATE

### EVENTS & ORDERS OF THE COURT

### INDEX

#### EVENTS

09/06/2018	 Petition Filed by: Plaintiff Republican Attorneys General Association <i>Public Records Act Application Pursuant to NRS 239.001/Petition for Writ of Mandamus</i>
09/06/2018	 Initial Appearance Fee Disclosure Filed By: Plaintiff Republican Attorneys General Association <i>Initial Appearance Fee Disclosure</i>
09/06/2018	 Summons Electronically Issued - Service Pending Party: Plaintiff Republican Attorneys General Association <i>Summons</i>
09/10/2018	 Peremptory Challenge Filed by: Plaintiff Republican Attorneys General Association <i>Peremptory Challenge of Judge</i>
09/11/2018	 Affidavit of Service Filed By: Plaintiff Republican Attorneys General Association <i>Affidavit of Service</i>

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

09/11/2018	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
09/20/2018	 Notice of Hearing <i>Notice of Hearing</i>
09/21/2018	 Stipulation and Order Filed by: Plaintiff Republican Attorneys General Association <i>Stipulation and Order Regarding Briefing Schedule</i>
09/25/2018	 Notice of Entry Filed By: Plaintiff Republican Attorneys General Association <i>Notice of Entry of Stipulation and Order Regarding Briefing Schedule</i>
09/26/2018	 Petitioners Opening Brief Filed by: Plaintiff Republican Attorneys General Association <i>Republican Attorneys General Association s Opening Brief in Support of Public Records Act Application Pursuant to NRS 239.001/Petition For Writ Of Mandamus</i>
09/27/2018	 Receipt of Copy Filed by: Plaintiff Republican Attorneys General Association <i>Receipt of Copy</i>
09/27/2018	 Motion for Examination Filed By: Plaintiff Republican Attorneys General Association <i>Republican Attorneys General Association s Emergency Motion for Examination of Withheld Records on Order Shortening Time</i>
10/03/2018	 Opposition to Motion Filed By: Defendant Las Vegas Metropolitan Police Department <i>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</i>
10/04/2018	 Receipt of Copy Filed by: Defendant Las Vegas Metropolitan Police Department <i>Receipt of Copy</i>
10/10/2018	 Respondent's Answering Brief Filed by: Defendant Las Vegas Metropolitan Police Department <i>Respondent Las Vegas Metropolitan Police Department's Response to Republic Attorney General Associations Public Records Act Applicaiton Pursuant to NRS 239.001-Petition for Writ of Mandamus</i>
10/11/2018	 Order Denying Motion Filed By: Plaintiff Republican Attorneys General Association <i>Order Denying Republican Attorneys General Association's Emergency Motion for Examination of Witheld Records</i>
10/12/2018	 Notice of Entry Filed By: Plaintiff Republican Attorneys General Association <i>Notice of Entry of Order Denying Republican Attorneys General Associations Emergency Motion for Examonation of Witheld Records</i>
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 Department's 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) Respondent's 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

**CASE SUMMARY**

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

## DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Department 18

Case No. \_\_\_\_\_

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone): REPUBLICAN ATTORNEYS GENERAL ASSOCIATION	Defendant(s) (name/address/phone): LAS VEGAS METROPOLITAN POLICE DEPARTMENT
Attorney (name/address/phone): Colleen E. McCarty, Esq. 3800 Howard Hughes Parkway, Suite 500 Las Vegas, Nevada 89169 Telephone: (702) 862-8300 Facsimile: (702) 862-8400	Attorney (name/address/phone):

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

<b>Real Property</b> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Torts</b> <b>Other Torts</b> <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
<b>Probate</b> <b>Probate</b> (select case type and estate value) <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 <b>Estate Value</b> <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	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <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	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <b>Civil Writ</b> <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		<b>Other Civil Filing</b> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

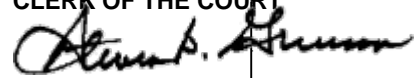
Business Court filings should be filed using the Business Court civil coversheet.

9-6-2018

Date

Signature of initiating party or representative

See other side for family-related case filings.



1 **FFCO**  
2 DEANNA L. FORBUSH  
3 Nevada Bar No. 6646  
4 Email: dforbush@clarkhill.com  
5 COLLEEN E. MCCARTY  
6 Nevada Bar No. 13186  
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8 **CLARK HILL PLLC**  
9 3800 Howard Hughes Parkway, Suite 500  
10 Las Vegas, Nevada 89169  
11 Telephone: (702) 862-8300  
12 Facsimile: (702) 862-8400  
13 Attorneys for Petitioner Republican  
14 Attorneys General Association

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 **REPUBLICAN ATTORNEYS GENERAL**  
18 **ASSOCIATION,**

19 Petitioner,

20 vs.

21 **LAS VEGAS METROPOLITAN POLICE**  
22 **DEPARTMENT,**

23 Respondent.

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**

24 The matter of the Public Records Act Application Pursuant to NRS 239.001/Petition for  
25 Writ of Mandamus filed by Petitioner, Republican Attorneys General Association ("Petitioner")  
26 having come on for hearing on order shortening time before the Honorable Kerry Earley on  
27 October 17, 2018; Petitioner and Respondent, Las Vegas Metropolitan Police Department  
28 ("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



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

5  
6 COURT FURTHER FINDS AND CONCLUDES, after having reviewed in-camera the  
7 body worn camera footage, that all portions of the footage, including the portions with Senator  
8 Aaron Ford, are directly related to the investigation of a juvenile involved incident. The footage  
9 depicts the area where the incident occurred, juveniles being arrested, and discussions regarding  
10 the charges and juvenile process. All communications at the scene, including the ones  
11 involving Senator Aaron Ford, are directly related to the juvenile incident and the juvenile  
12 justice process as a result of the incident. Therefore, the Court finds all of the body worn  
13 camera footage in question is directly related to children who are otherwise subject to the  
14 jurisdiction of the juvenile court as defined in NRS 62H.025.

15  
16 COURT FURTHER FINDS AND CONCLUDES that no legitimate interest exists to  
17 disseminate these confidential juvenile records. The appearance of adults and witnesses in  
18 addition to the juveniles at the crime scene does not remove the subject records outside the  
19 protection granted to juvenile justice information.

20  
21 COURT FURTHER FINDS AND CONCLUDES that records under 62H.025 may only  
22 be released in accordance with NRS 62H.025(r), which states juvenile justice information may  
23 only be released to "(a) person who is authorized by a court order to receive the juvenile  
24 information, if the juvenile justice agency was provided with notice and the opportunity to be  
25 heard before the issuance of the order." The record is devoid of Petitioner providing the  
26 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  
6 239.001/Petition for Writ of Mandamus is DENIED.  
7

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 on  
12 Friday, October 19, 2018.

13 Dated this \_\_\_\_\_ day of October, 2018.  
14

15  
16  
17 Respectfully submitted by:

18 **CLARK HILL PLLC**

19  
20 By:   
21 DEANNA L. FORBUSH  
22 Nevada Bar No. 6646  
23 COLLEEN E. MCCARTY, ESQ.  
24 Nevada Bar No. 13186  
25 3800 Howard Hughes Parkway, Suite 500  
26 Las Vegas, Nevada 89169  
27 Telephone: (702) 862-8300  
28 Attorneys for Petitioner  
Republican Attorneys General  
Association

KERRY EARLEY  
District Court Judge

Approved as to form and content:

**MARQUIS AURBACH COFFING**

By: \_\_\_\_\_  
NICHOLAS D. CROSBY, ESQ.  
Nevada Bar No. 8996  
JACKIE V. NICHOLS, ESQ.  
Nevada Bar No. 14246  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
Attorneys for Las Vegas  
Metropolitan Police Department

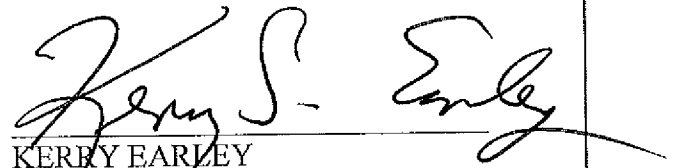
1 COURT FURTHER FINDS AND CONCLUDES that no valid legal basis for  
2 Petitioner's waiver argument that the failure of the public agency to timely respond waives the  
3 confidentiality of records that fall within "juvenile justice information" under NRS 62H.025.

4 Accordingly,

5 COURT ORDERS that Petitioner's Public Records Act Application Pursuant to NRS  
6 239.001/Petition for Writ of Mandamus is DENIED.  
7

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 on  
12 Friday, October 19, 2018.

13 Dated this 18 day of October, 2018.

14   
15  
16 KERRY EARLEY  
17 District Court Judge

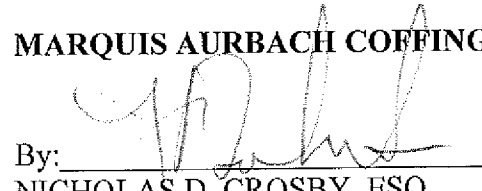
18 Respectfully submitted by:

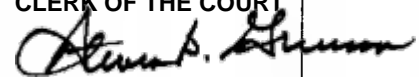
19 CLARK HILL PLLC

20  
21 By: \_\_\_\_\_  
22 DEANNA L. FORBUSH  
23 Nevada Bar No. 6646  
24 COLLEEN E. MCCARTY, ESQ.  
25 Nevada Bar No. 13186  
26 3800 Howard Hughes Parkway, Suite 500  
27 Las Vegas, Nevada 89169  
28 Telephone: (702) 862-8300  
Attorneys for Petitioner  
Republican Attorneys General  
Association

Approved as to form and content:

MARQUIS AURBACH COFFING

29   
30 By: \_\_\_\_\_  
31 NICHOLAS D. CROSBY, ESQ.  
32 Nevada Bar No. 8996  
33 JACKIE V. NICHOLS, ESQ.  
34 Nevada Bar No. 14246  
35 10001 Park Run Drive  
36 Las Vegas, Nevada 89145  
37 Attorneys for Las Vegas  
38 Metropolitan Police Department



1 **NEO**  
2 DEANNA L. FORBUSH  
3 Nevada Bar No. 6646  
4 Email: dforbush@clarkhill.com  
5 COLLEEN E. MCCARTY  
6 Nevada Bar No. 13186  
7 Email: cmccarty@clarkhill.com  
8 **CLARK HILL PLLC**  
9 3800 Howard Hughes Parkway, Suite 500  
10 Las Vegas, Nevada 89169  
11 Telephone: (702) 862-8300  
12 Facsimile: (702) 862-8400  
13 Attorneys for Petitioner Republican  
14 Attorneys General Association

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 **REPUBLICAN ATTORNEYS GENERAL**  
18 **ASSOCIATION,**

19 **Petitioner,**

20 **vs.**

21 **LAS VEGAS METROPOLITAN POLICE**  
22 **DEPARTMENT,**

23 **Respondent.**

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

**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**

24 PLEASE TAKE NOTICE that on the 18<sup>th</sup> day of October, 2018, the above-entitled  
25 Court entered its Findings of Fact, Conclusions of Law and Order Denying Republican  
26 Attorneys General Association's Public Records Act Application Pursuant to NRS  
27 239.001/Petition for Writ of Mandamus.  
28

...

...

...

...

1 A copy of this Order is attached hereto as Exhibit "1."

2 Dated this 19<sup>th</sup> day of October, 2018.

3  
4 CLARK HILL PLLC

5 By: 

6 DEANNA L. FORBUSH

7 Nevada Bar No. 6646

8 COLLEEN E. MCCARTY, ESQ.

9 Nevada Bar No. 13186

10 3800 Howard Hughes Parkway, Suite 500

11 Las Vegas, Nevada 89169

12 Telephone: (702) 862-8300

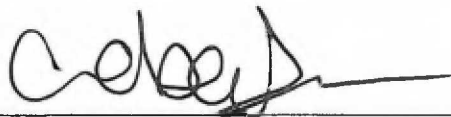
13 Attorneys for Petitioner

14 Republican Attorneys General Association

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of Clark Hill PLLC and that on  
3 this 19<sup>th</sup> day of October, 2018, I served a true and correct copy of the foregoing **NOTICE**  
4 **OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**  
5 **DENYING REPUBLICAN ATTORNEYS GENERAL ASSOCIATION'S PUBLIC**  
6 **RECORDS ACT APPLICATION PURSUANT TO NRS 239.001/PETITION FOR WRIT**  
7 **OF MANDAMUS** by electronic means by operation of the Court's electronic filing system,  
8 upon each party in this case who is registered as an electronic case filing user with the Clerk.  
9

10 Nick D. Crosby, Esq.  
11 Jackie V. Nichols, Esq.  
12 MARQUIS AURBACH COFFING  
13 10001 Park Run Drive  
14 Las Vegas, NV 89145  
15 ncrosby@maclaw.com  
16 jnichols@maclaw.com  
17 Attorneys for Respondent  
18 Las Vegas Metropolitan Police Department  
19  
20  
21  
22  
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24  
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28

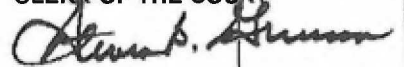


An Employee of Clark Hill PLLC

# EXHIBIT 1

# EXHIBIT 1

JA000452



1 **FFCO**  
2 DEANNA L. FORBUSH  
3 Nevada Bar No. 6646  
4 Email: dforbush@clarkhill.com  
5 COLLEEN E. MCCARTY  
6 Nevada Bar No. 13186  
7 Email: cmccarty@clarkhill.com  
8 **CLARK HILL PLLC**  
9 3800 Howard Hughes Parkway, Suite 500  
10 Las Vegas, Nevada 89169  
11 Telephone: (702) 862-8300  
12 Facsimile: (702) 862-8400  
13 Attorneys for Petitioner Republican  
14 Attorneys General Association

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 **REPUBLICAN ATTORNEYS GENERAL**  
18 **ASSOCIATION,**

19 **Petitioner,**

20 **vs.**

21 **LAS VEGAS METROPOLITAN POLICE**  
22 **DEPARTMENT,**

23 **Respondent.**

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**

24 The matter of the Public Records Act Application Pursuant to NRS 239.001/Petition for  
25 Writ of Mandamus filed by Petitioner, Republican Attorneys General Association ("Petitioner")  
26 having come on for hearing on order shortening time before the Honorable Kerry Earley on  
27 October 17, 2018; Petitioner and Respondent, Las Vegas Metropolitan Police Department  
28 ("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



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

5  
6 COURT FURTHER FINDS AND CONCLUDES, after having reviewed in-camera the  
7 body worn camera footage, that all portions of the footage, including the portions with Senator  
8 Aaron Ford, are directly related to the investigation of a juvenile involved incident. The footage  
9 depicts the area where the incident occurred, juveniles being arrested, and discussions regarding  
10 the charges and juvenile process. All communications at the scene, including the ones  
11 involving Senator Aaron Ford, are directly related to the juvenile incident and the juvenile  
12 justice process as a result of the incident. Therefore, the Court finds all of the body worn  
13 camera footage in question is directly related to children who are otherwise subject to the  
14 jurisdiction of the juvenile court as defined in NRS 62H.025.  
15

16 COURT FURTHER FINDS AND CONCLUDES that no legitimate interest exists to  
17 disseminate these confidential juvenile records. The appearance of adults and witnesses in  
18 addition to the juveniles at the crime scene does not remove the subject records outside the  
19 protection granted to juvenile justice information.  
20

21 COURT FURTHER FINDS AND CONCLUDES that records under 62H.025 may only  
22 be released in accordance with NRS 62H.025(r), which states juvenile justice information may  
23 only be released to "(a) person who is authorized by a court order to receive the juvenile  
24 information, if the juvenile justice agency was provided with notice and the opportunity to be  
25 heard before the issuance of the order." The record is devoid of Petitioner providing the  
26 required notice to the juvenile justice agency in the instant Petition.  
27  
28

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  
6 239.001/Petition for Writ of Mandamus is DENIED.  
7

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 on  
12 Friday, October 19, 2018.

13 Dated this \_\_\_\_\_ day of October, 2018.

14  
15  
16 KERRY EARLEY  
District Court Judge

17 Respectfully submitted by:

Approved as to form and content:

18 **CLARK HILL PLLC**

**MARQUIS AURBACH COFFING**

19  
20 By: Colleen E. McCarty  
21 DEANNA L. FORBUSH  
Nevada Bar No. 6646  
22 COLLEEN E. MCCARTY, ESQ.  
Nevada Bar No. 13186  
23 3800 Howard Hughes Parkway, Suite 500  
Las Vegas, Nevada 89169  
24 Telephone: (702) 862-8300  
Attorneys for Petitioner  
25 Republican Attorneys General  
Association  
26  
27  
28

By: \_\_\_\_\_  
NICHOLAS D. CROSBY, ESQ.  
Nevada Bar No. 8996  
JACKIE V. NICHOLS, ESQ.  
Nevada Bar No. 14246  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
Attorneys for Las Vegas  
Metropolitan Police Department

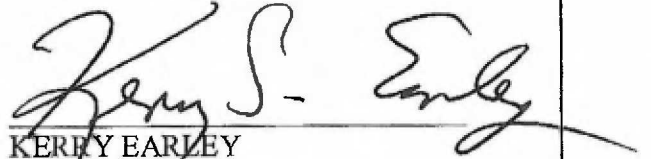
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3 confidentiality of records that fall within "juvenile justice information" under NRS 62H.025.

4 Accordingly,

5 COURT ORDERS that Petitioner's Public Records Act Application Pursuant to NRS  
6 239.001/Petition for Writ of Mandamus is DENIED.  
7

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 on  
12 Friday, October 19, 2018.

13 Dated this 18 day of October, 2018.

14   
15 KERRY EARLEY  
16 District Court Judge  
17

18 Respectfully submitted by:

19 CLARK HILL PLLC  
20

21 By: \_\_\_\_\_  
22 DEANNA L. FORBUSH  
23 Nevada Bar No. 6646  
24 COLLEEN E. MCCARTY, ESQ.  
25 Nevada Bar No. 13186  
26 3800 Howard Hughes Parkway, Suite 500  
27 Las Vegas, Nevada 89169  
28 Telephone: (702) 862-8300  
Attorneys for Petitioner  
Republican Attorneys General  
Association

Approved as to form and content:

MARQUIS AURBACH COFFING

21 By: \_\_\_\_\_  
22 NICHOLAS D. CROSBY, ESQ.  
23 Nevada Bar No. 8996  
24 JACKIE V. NICHOLS, ESQ.  
25 Nevada Bar No. 14246  
26 10001 Park Run Drive  
27 Las Vegas, Nevada 89145  
28 Attorneys for Las Vegas  
Metropolitan Police Department

October 05, 2018

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Mandamus**

**COURT MINUTES**

**October 09, 2018**

---

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.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Mandamus**

**COURT MINUTES**

**October 17, 2018**

---

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.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Mandamus**

**COURT MINUTES**

**October 17, 2018**

---

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 Department's 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



## EXHIBIT(S) LIST

**Case No.: A780538**

Hearing / Trial Date: 10/17/18

**Dept. No.: 4**

**Judge: Kerry Earley**

**Court Clerk: Elizabeth Vargas**

**Plaintiff: Republican Attorneys General Association**

**Recorder / Reporter: Sharon Nichols**

**Counsel for Plaintiff: Colleen McCarty, Esq.**

**VS.**

**Defendant:** Las Vegas Metropolitan Police  
Department

**Counsel for Defendant: Jackie Nichols, Esq.**

## HEARING / TRIAL BEFORE THE COURT

COURT'S	EXHIBITS
---------	----------

[illegible]

# 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; 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),

Case No: A-18-780538-W

Dept No: IV

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 21 day of November 2018.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

**JA000463**

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

Check N<sup>o</sup> 17000039

6-7041

2410

11/19/2018

AMOUNT

\$250.00

PAY Two Hundred Fifty and 00/100 Dollars

To the  
order of Clerk of the Supreme Court

 Citizens Bank<sup>®</sup>

VOID AFTER 90 DAYS

CLARK HILL PLC  
TWO SIGNATURES REQUIRED OVER \$10,000

BY    
An Authorized Representative of the Firm

BY    
An Authorized Representative of the Firm

⑈ 17000039 ⑈ ⑆ 241070417⑆ 4504282908 ⑈

Details on back.  
Security Features Included

JA000464

**IN THE SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK**

REPUBLICAN ATTORNEYS GENERAL  
ASSOCIATION,  
Appellant,  
vs.  
LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,  
Respondent.

**Supreme Court No. 77511**  
District Court Case No. A780538

**NOTICE OF REFERRAL TO SETTLEMENT PROGRAM AND SUSPENSION  
OF RULES**

TO: Clark Hill PLLC \ Deanna L. Forbush, Colleen E. McCarty  
Marquis Aurbach Coffing \ Nicholas D. Crosby, Jacqueline V. Nichols

This notice is to inform you that this appeal may be assigned to the court's Settlement Program. See NRAP 16(a). The issuance of this notice automatically stays the time for filing a request for transcripts under NRAP 9, and for filing briefs under NRAP 31. See NRAP 16(a)(1).

The docketing statement must be filed and served within 20 days of the date of this notice. This timeline is not stayed by this notice.

DATE: November 28, 2018

Elizabeth A. Brown, Clerk of Court

By: Linda Hamilton  
Deputy Clerk

Notification List

Electronic  
Clark Hill PLLC \ Deanna L. Forbush  
Clark Hill PLLC \ Colleen E. McCarty  
Marquis Aurbach Coffing \ Nicholas D. Crosby  
Marquis Aurbach Coffing \ Jacqueline V. Nichols

**IN THE SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK**

REPUBLICAN ATTORNEYS GENERAL  
ASSOCIATION,  
Appellant,  
vs.  
LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,  
Respondent.

**Supreme Court No. 77511**  
District Court Case No. A780538

**NOTICE OF ASSIGNMENT TO NRAP 16 SETTLEMENT PROGRAM**

TO: Clark Hill PLLC \ Deanna L. Forbush  
Clark Hill PLLC \ Colleen E. McCarty  
Marquis Aurbach Coffing \ Nicholas D. Crosby  
Marquis Aurbach Coffing \ Jacqueline V. Nichols

Pursuant to NRAP 16, this matter is assigned to the Settlement Program. Any questions regarding scheduling should be directed to the assigned settlement judge:

Ara H. Shirinian  
10651 Capesthorne Way  
Las Vegas, NV 89135  
Phone: (702) 496-4985

- > Unless the settlement judge directs otherwise, each party shall submit a confidential settlement statement directly to the Settlement Judge within 15 days from the date of this notice. A settlement statement is limited to 10 pages, shall not be served on opposing counsel or submitted to the Supreme Court. See NRAP 16(d).
- > All counsel shall participate in a premediation telephone conference initiated by the settlement judge within 30 days of this Notice. See NRAP 16(b).
- > All papers or documents filed with the Supreme Court while a case is in the settlement program shall be served on all parties and the settlement judge. See NRAP 16(a)(3).
- > Additional information regarding the settlement program is available on the court's website: [http://supreme.nvcourts.gov/Settlement\\_Program/Overview/](http://supreme.nvcourts.gov/Settlement_Program/Overview/)

DATE: November 30, 2018

Elizabeth A. Brown, Clerk of Court

By: Shaunna Troop  
Settlement Program Administrative Coordinator

18-906426  
**JA000466**

Notification List

Electronic

Clark Hill PLLC \ Deanna L. Forbush

Clark Hill PLLC \ Colleen E. McCarty

Marquis Aurbach Coffing \ Nicholas D. Crosby

Marquis Aurbach Coffing \ Jacqueline V. Nichols

Paper

Ara H. Shirinian, Settlement Judge


IN THE SUPREME COURT OF THE STATE OF NEVADA

REPUBLICAN ATTORNEYS GENERAL  
ASSOCIATION,  
Appellant,  
vs.  
LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,  
Respondent.

No. 77511

**FILED**

DEC 10 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

**SETTLEMENT PROGRAM**  
**EARLY CASE ASSESSMENT REPORT**

After conducting a premediation conference with counsel pursuant to NRAP 16(b), I make the following recommendation to the court regarding this appeal:

☐

This case is appropriate for the program and a mediation session will be scheduled/has been scheduled for:

\_\_\_\_\_

\_\_\_\_\_

☒

This case is not appropriate for mediation and should be removed from the settlement program.

☐

The premediation conference has not been conducted or is continued because:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



Settlement Judge

cc: All Counsel

JA000468

18-907792

IN THE SUPREME COURT OF THE STATE OF NEVADA

REPUBLICAN ATTORNEYS GENERAL  
ASSOCIATION,

Appellant,

vs.

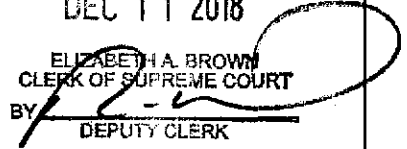
LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,

Respondent.

No. 77511

**FILED**

DEC 11 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER REMOVING FROM SETTLEMENT PROGRAM  
AND REINSTATING BRIEFING*

Pursuant to the recommendation of the settlement judge and good cause appearing, this appeal is removed from the settlement program. See NRAP 16. Accordingly, we reinstate the deadlines for requesting transcripts and filing briefs.

Appellant shall have 15 days from the date of this order to file and serve a transcript request form. See NRAP 9(a).<sup>1</sup> Further, appellant shall have 90 days from the date of this order to file and serve the opening brief and appendix.<sup>2</sup> Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

It is so ORDERED.

 C.J.

<sup>1</sup>If no transcript is to be requested, appellant shall file and serve a certificate to that effect within the same time period. NRAP 9(a).

<sup>2</sup>In preparing and assembling the appendix, counsel shall strictly comply with the provisions of NRAP 30.



cc: Ara H. Shirinian, Settlement Judge  
Clark Hill PLLC  
Marquis Aurbach Coffing

IN THE SUPREME COURT OF THE STATE OF NEVADA

REPUBLICAN ATTORNEYS GENERAL  
ASSOCIATION,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
KERRY LOUISE EARLEY, DISTRICT  
JUDGE,

Respondents,

and

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,

Real Party in Interest.

No. 77219

**FILED**

OCT 29 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*

This emergency petition for a writ of mandamus challenges a district court order denying a petition seeking certain materials under the Nevada Public Records Act (NPRA). Real party in interest Las Vegas Metropolitan Police Department has filed an answer, as directed, and petitioner has filed a notice of relevant briefing.

A writ of mandamus may issue only when no adequate legal remedy is available. NRS 34.170; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). A petition for mandamus relief “is not a substitute for an appeal.” *Archon Corp. v. Eighth Judicial Dist. Court*, 133 Nev., Adv. Op. 101, 407 P.3d 702, 706 (2017). Petitioner Republican Attorneys General Association (RAGA) has an appeal available from the district court’s order denying its petition, NRAP 3A(b)(1), and the availability of that appeal precludes writ relief.

Even if RAGA could demonstrate that an appeal would not provide an adequate remedy, mandamus is warranted only upon a showing



of clear legal error or manifest abuse of discretion. *Id.* In this case, RAGA argues that the district court erred in concluding that certain records and body-worn camera footage related to an incident involving juveniles are necessarily confidential under NRS 62H.025 and exempt from disclosure under the NPRA. The district court concluded that such records were unavailable under the NPRA and NRS 62H.025 after an in-camera review revealed that the records and footage solely relate to the juveniles at the scene. RAGA has not demonstrated that, in so concluding, the district court was so clearly erroneous in exempting NRS 62H.025 records, or that the court so obviously abused its discretion in determining that the records fell under that statute, as to warrant our immediate and extraordinary intervention. Instead, as RAGA explains, the questions presented are a matter of statewide public importance, the review of which requires our thorough consideration on a complete record. Adequate review is impossible to give when such questions are presented, at the last minute, in an emergency petition seeking immediate relief. Consequently, we must decline to exercise our discretion to review this matter through extraordinary writ petition. *See id.* at 708. This order is without prejudice to RAGA's right to file a notice of appeal from the district court's order. Thus, we

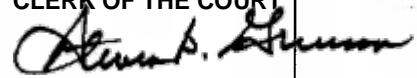
ORDER the petition DENIED.

Pickering, J.  
Pickering

Gibbons J.  
Gibbons

Hardesty, J.  
Hardesty

cc: Clark Hill PLLC  
Marquis Aurbach Coffing



1 **NOAS**  
2 DEANNA L. FORBUSH  
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13 Attorneys for Petitioner  
14 Republican Attorneys General Association

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 **REPUBLICAN ATTORNEYS GENERAL**  
18 **ASSOCIATION,**

19 **Petitioner,**

20 **vs.**

21 **LAS VEGAS METROPOLITAN POLICE**  
22 **DEPARTMENT,**

23 **Respondent.**

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

24 **NOTICE OF APPEAL**

25 **NOTICE IS HEREBY GIVEN** that Petitioner, Republican Attorneys General  
26 Association ("RAGA" or "Petitioner"), by and through its attorneys of record, Deanna L.  
27 Forbush, Esq. and Colleen E. McCarty, Esq. of the law firm of Clark Hill PLLC, hereby appeals  
28 to the Supreme Court of Nevada from the Findings of Fact, Conclusions of Law and Order  
Denying Republican Attorneys General Association's Public Records Act Application

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...

...

1 Pursuant to NRS 239.001/Petition for Writ of Mandamus entered in this action on the 19<sup>th</sup> day  
2 of October, 2018.

3 Dated this 19<sup>th</sup> of November, 2018.

4 **CLARK HILL PLLC**

5  
6  
7 By: 

8 **DEANNA L. FORBUSH**

9 Nevada Bar No. 6646

10 **COLLEEN E. MCCARTY, ESQ.**

11 Nevada Bar No. 13186

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16 Republican Attorneys General Association  
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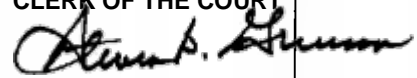
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5 system, upon each party in this case who is registered as an electronic case filing user with the  
6 Clerk.  
7

8 Nick D. Crosby, Esq.  
9 Jackie V. Nichols, Esq.  
10 MARQUIS AURBACH COFFING  
11 10001 Park Run Drive  
12 Las Vegas, NV 89145  
13 ncrosby@maclaw.com  
14 jnichols@maclaw.com  
15 Attorneys for Respondent  
16 Las Vegas Metropolitan Police Department  
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An Employee of Clark Hill PLLC



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14 Republican Attorneys General Association

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 REPUBLICAN ATTORNEYS GENERAL  
18 ASSOCIATION,

19 Petitioner,

20 vs.

21 LAS VEGAS METROPOLITAN POLICE  
22 DEPARTMENT,

23 Respondent.

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

**CASE APPEAL STATEMENT**

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Petitioner, Republican Attorneys General Association ("RAGA" or "Petitioner"), by and through its attorneys of record, Deanna L. Forbush, Esq. and Colleen E. McCarty, Esq., of the law firm of Clark Hill PLLC, hereby submits its Case Appeal Statement, pursuant to Rule 3(f) of the Nevada Rules of Appellate Procedure, as follows:

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1 (A) The district court case number and caption showing the names of all parties to the  
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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  
9 appellant:

10 Republican Attorneys General Association, Appellant.

11 Deanna L. Forbush, Esq.  
12 Colleen E. McCarty, Esq.  
13 Clark Hill PLLC  
14 3800 Howard Hughes Parkway, Suite 500  
15 Las Vegas, Nevada 89169  
16 Attorneys for Appellant

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18 known, for each respondent, but if the name of a respondent's appellate counsel is  
19 not known, then the name and address of that respondent's trial counsel:

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21 Nick D. Crosby, Esq.  
22 Jackie V. Nichols, Esq.  
23 Marquis Aurbach Coffing  
24 10001 Park Run Drive  
25 Las Vegas, Nevada 89145  
26 Attorneys for Respondent

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28 practice law in Nevada, and if so, whether the district court granted that attorney  
permission to appear under SCR 42, including a copy of any district court order  
granting that permission:

Not applicable.

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

3 Not applicable.

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5 pauperis, and if so, the date of the district court's order granting that leave:

6 Not applicable.

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8 RAGA filed its Public Records Act Application Pursuant to NRS 239.001/Petition for  
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12 the district court:

13 This appeal seeks review of an order entered by the district court pertaining to a public  
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10 Not applicable.

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14 responsive record.  
15

16 Dated this 19<sup>th</sup> of November, 2018.

17 CLARK HILL PLLC

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19 By: 

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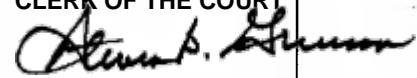
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Pursuant to NRCP 5(b), I certify that I am an employee of Clark Hill PLLC, and that on this 19<sup>th</sup> day of November, 2018, I served a true and correct copy of the foregoing **CASE APPEAL STATEMENT** by electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk.

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Jackie V. Nichols, Esq.  
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ncrosby@maclaw.com  
jnichols@maclaw.com  
Attorneys for Respondent  
Las Vegas Metropolitan Police Department



\_\_\_\_\_  
An Employee of Clark Hill PLLC



Electronically Filed  
Nov 28 2018 02:15 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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DISTRICT COURT

CLARK COUNTY, NEVADA

12 REPUBLICAN ATTORNEYS GENERAL  
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Case No.: A-18-780538-W  
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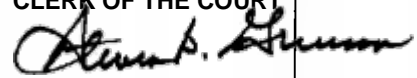
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Attorneys for Respondent  
Las Vegas Metropolitan Police Department



\_\_\_\_\_  
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  
 (s)

§  
§  
§  
§  
§

Location: **Department 4**  
 Judicial Officer: **Earley, Kerry**  
 Filed on: **09/06/2018**  
 Case Number History:  
 Cross-Reference Case Number: **A780538**

### 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






<b>Plaintiff</b>	<b>Republican Attorneys General Association</b>	<i>Lead Attorneys</i> <b>Forbush, Deanna</b> <i>Retained</i> 702-862-8300(W)
<b>Defendant</b>	<b>Las Vegas Metropolitan Police Department</b>	<b>Nichols, Jacqueline</b> <i>Retained</i> 702-382-0711(W)

### DATE

### EVENTS & ORDERS OF THE COURT

### INDEX

#### EVENTS

09/06/2018	 <b>Petition</b> Filed by: Plaintiff Republican Attorneys General Association <i>Public Records Act Application Pursuant to NRS 239.001/Petition for Writ of Mandamus</i>
09/06/2018	 <b>Initial Appearance Fee Disclosure</b> Filed By: Plaintiff Republican Attorneys General Association <i>Initial Appearance Fee Disclosure</i>
09/06/2018	 <b>Summons Electronically Issued - Service Pending</b> Party: Plaintiff Republican Attorneys General Association <i>Summons</i>
09/10/2018	 <b>Peremptory Challenge</b> Filed by: Plaintiff Republican Attorneys General Association <i>Peremptory Challenge of Judge</i>
09/11/2018	 <b>Affidavit of Service</b> Filed By: Plaintiff Republican Attorneys General Association <i>Affidavit of Service</i>

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

09/11/2018	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
09/20/2018	 Notice of Hearing <i>Notice of Hearing</i>
09/21/2018	 Stipulation and Order Filed by: Plaintiff Republican Attorneys General Association <i>Stipulation and Order Regarding Briefing Schedule</i>
09/25/2018	 Notice of Entry Filed By: Plaintiff Republican Attorneys General Association <i>Notice of Entry of Stipulation and Order Regarding Briefing Schedule</i>
09/26/2018	 Petitioners Opening Brief Filed by: Plaintiff Republican Attorneys General Association <i>Republican Attorneys General Association s Opening Brief in Support of Public Records Act Application Pursuant to NRS 239.001/Petition For Writ Of Mandamus</i>
09/27/2018	 Receipt of Copy Filed by: Plaintiff Republican Attorneys General Association <i>Receipt of Copy</i>
09/27/2018	 Motion for Examination Filed By: Plaintiff Republican Attorneys General Association <i>Republican Attorneys General Association s Emergency Motion for Examination of Withheld Records on Order Shortening Time</i>
10/03/2018	 Opposition to Motion Filed By: Defendant Las Vegas Metropolitan Police Department <i>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</i>
10/04/2018	 Receipt of Copy Filed by: Defendant Las Vegas Metropolitan Police Department <i>Receipt of Copy</i>
10/10/2018	 Respondent's Answering Brief Filed by: Defendant Las Vegas Metropolitan Police Department <i>Respondent Las Vegas Metropolitan Police Department's Response to Republic Attorney General Associations Public Records Act Applicaiton Pursuant to NRS 239.001-Petition for Writ of Mandamus</i>
10/11/2018	 Order Denying Motion Filed By: Plaintiff Republican Attorneys General Association <i>Order Denying Republican Attorneys General Association's Emergency Motion for Examination of Witheld Records</i>
10/12/2018	 Notice of Entry Filed By: Plaintiff Republican Attorneys General Association <i>Notice of Entry of Order Denying Republican Attorneys General Associations Emergency Motion for Examonation of Witheld Records</i>
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 Department's 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) Respondent's 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**



**CASE SUMMARY**

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

## DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Department 18

Case No. \_\_\_\_\_

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone): REPUBLICAN ATTORNEYS GENERAL ASSOCIATION	Defendant(s) (name/address/phone): LAS VEGAS METROPOLITAN POLICE DEPARTMENT
Attorney (name/address/phone): Colleen E. McCarty, Esq. 3800 Howard Hughes Parkway, Suite 500 Las Vegas, Nevada 89169 Telephone: (702) 862-8300 Facsimile: (702) 862-8400	Attorney (name/address/phone):

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

<b>Real Property</b> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Torts</b> <b>Other Torts</b> <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
<b>Probate</b> <b>Probate</b> (select case type and estate value) <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 <b>Estate Value</b> <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	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <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	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <b>Civil Writ</b> <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		<b>Other Civil Filing</b> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

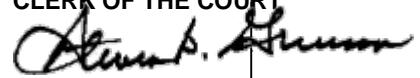
Business Court filings should be filed using the Business Court civil coversheet.

9-6-2018

Date

Signature of initiating party or representative

See other side for family-related case filings.



**FFCO**  
DEANNA L. FORBUSH  
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COLLEEN E. MCCARTY  
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Email: cmccarty@clarkhill.com  
**CLARK HILL PLLC**  
3800 Howard Hughes Parkway, Suite 500  
Las Vegas, Nevada 89169  
Telephone: (702) 862-8300  
Facsimile: (702) 862-8400  
Attorneys for Petitioner Republican  
Attorneys General Association

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

REPUBLICAN ATTORNEYS GENERAL  
ASSOCIATION,

Petitioner,

vs.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,

Respondent.

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

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

5  
6 COURT FURTHER FINDS AND CONCLUDES, after having reviewed in-camera the  
7 body worn camera footage, that all portions of the footage, including the portions with Senator  
8 Aaron Ford, are directly related to the investigation of a juvenile involved incident. The footage  
9 depicts the area where the incident occurred, juveniles being arrested, and discussions regarding  
10 the charges and juvenile process. All communications at the scene, including the ones  
11 involving Senator Aaron Ford, are directly related to the juvenile incident and the juvenile  
12 justice process as a result of the incident. Therefore, the Court finds all of the body worn  
13 camera footage in question is directly related to children who are otherwise subject to the  
14 jurisdiction of the juvenile court as defined in NRS 62H.025.

15  
16 COURT FURTHER FINDS AND CONCLUDES that no legitimate interest exists to  
17 disseminate these confidential juvenile records. The appearance of adults and witnesses in  
18 addition to the juveniles at the crime scene does not remove the subject records outside the  
19 protection granted to juvenile justice information.

20  
21 COURT FURTHER FINDS AND CONCLUDES that records under 62H.025 may only  
22 be released in accordance with NRS 62H.025(r), which states juvenile justice information may  
23 only be released to "(a) person who is authorized by a court order to receive the juvenile  
24 information, if the juvenile justice agency was provided with notice and the opportunity to be  
25 heard before the issuance of the order." The record is devoid of Petitioner providing the  
26 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  
6 239.001/Petition for Writ of Mandamus is DENIED.  
7

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 on  
12 Friday, October 19, 2018.

13 Dated this \_\_\_\_\_ day of October, 2018.  
14


15  
16 \_\_\_\_\_  
KERRY EARLEY  
District Court Judge

17 Respectfully submitted by:

Approved as to form and content:

18 **CLARK HILL PLLC**

**MARQUIS AURBACH COFFING**

19  
20 By:   
21 DEANNA L. FORBUSH  
22 Nevada Bar No. 6646  
COLLEEN E. MCCARTY, ESQ.  
23 Nevada Bar No. 13186  
3800 Howard Hughes Parkway, Suite 500  
24 Las Vegas, Nevada 89169  
Telephone: (702) 862-8300  
25 Attorneys for Petitioner  
Republican Attorneys General  
26 Association

By: \_\_\_\_\_  
27 NICHOLAS D. CROSBY, ESQ.  
Nevada Bar No. 8996  
JACKIE V. NICHOLS, ESQ.  
28 Nevada Bar No. 14246  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
Attorneys for Las Vegas  
Metropolitan Police Department

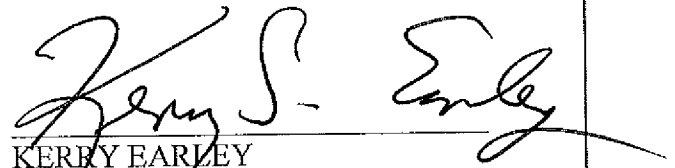
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10 as to form and content by Respondent's counsel. The Order shall be submitted to the Court,  
11 signed and approved by Counsel for Petitioner and Counsel for Respondent, by 5:00 pm on  
12 Friday, October 19, 2018.

13 Dated this 18 day of October, 2018.

14   
15  
16 KERRY EARLEY  
17 District Court Judge

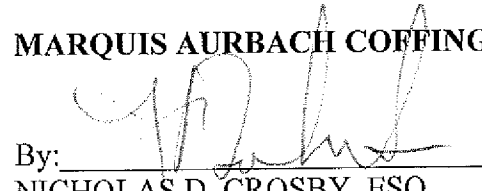
18 Respectfully submitted by:

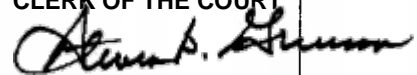
19 **CLARK HILL PLLC**

20  
21 By: \_\_\_\_\_  
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26 3800 Howard Hughes Parkway, Suite 500  
27 Las Vegas, Nevada 89169  
28 Telephone: (702) 862-8300  
Attorneys for Petitioner  
Republican Attorneys General  
Association

Approved as to form and content:

**MARQUIS AURBACH COFFING**

29   
30 By: \_\_\_\_\_  
31 NICHOLAS D. CROSBY, ESQ.  
32 Nevada Bar No. 8996  
33 JACKIE V. NICHOLS, ESQ.  
34 Nevada Bar No. 14246  
35 10001 Park Run Drive  
36 Las Vegas, Nevada 89145  
37 Attorneys for Las Vegas  
38 Metropolitan Police Department



1 **NEO**  
2 DEANNA L. FORBUSH  
3 Nevada Bar No. 6646  
4 Email: dforbush@clarkhill.com  
5 COLLEEN E. MCCARTY  
6 Nevada Bar No. 13186  
7 Email: cmccarty@clarkhill.com  
8 **CLARK HILL PLLC**  
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10 Las Vegas, Nevada 89169  
11 Telephone: (702) 862-8300  
12 Facsimile: (702) 862-8400  
13 Attorneys for Petitioner Republican  
14 Attorneys General Association

DISTRICT COURT

CLARK COUNTY, NEVADA

12 REPUBLICAN ATTORNEYS GENERAL  
13 ASSOCIATION,

14 Petitioner,

15 vs.

16 LAS VEGAS METROPOLITAN POLICE  
17 DEPARTMENT,

18 Respondent.

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

**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**

20 PLEASE TAKE NOTICE that on the 18<sup>th</sup> day of October, 2018, the above-entitled  
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 ...

1 A copy of this Order is attached hereto as Exhibit "1."

2 Dated this 19<sup>th</sup> day of October, 2018.

3  
4 CLARK HILL PLLC

5 By: 

6 DEANNA L. FORBUSH

7 Nevada Bar No. 6646

8 COLLEEN E. MCCARTY, ESQ.

9 Nevada Bar No. 13186

10 3800 Howard Hughes Parkway, Suite 500

11 Las Vegas, Nevada 89169

12 Telephone: (702) 862-8300

13 Attorneys for Petitioner

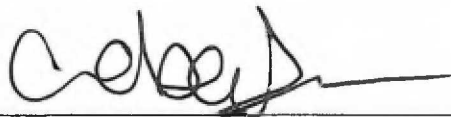
14 Republican Attorneys General Association



1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of Clark Hill PLLC and that on  
3 this 19<sup>th</sup> day of October, 2018, I served a true and correct copy of the foregoing **NOTICE**  
4 **OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**  
5 **DENYING REPUBLICAN ATTORNEYS GENERAL ASSOCIATION'S PUBLIC**  
6 **RECORDS ACT APPLICATION PURSUANT TO NRS 239.001/PETITION FOR WRIT**  
7 **OF MANDAMUS** by electronic means by operation of the Court's electronic filing system,  
8 upon each party in this case who is registered as an electronic case filing user with the Clerk.  
9

10 Nick D. Crosby, Esq.  
11 Jackie V. Nichols, Esq.  
12 MARQUIS AURBACH COFFING  
13 10001 Park Run Drive  
14 Las Vegas, NV 89145  
15 ncrosby@maclaw.com  
16 jnichols@maclaw.com  
17 Attorneys for Respondent  
18 Las Vegas Metropolitan Police Department  
19  
20  
21  
22  
23  
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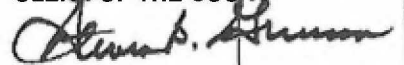


An Employee of Clark Hill PLLC

**EXHIBIT 1**

**EXHIBIT 1**

**JA000455**



1 **FFCO**  
2 DEANNA L. FORBUSH  
3 Nevada Bar No. 6646  
4 Email: dforbush@clarkhill.com  
5 COLLEEN E. MCCARTY  
6 Nevada Bar No. 13186  
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10 Las Vegas, Nevada 89169  
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12 Facsimile: (702) 862-8400  
13 Attorneys for Petitioner Republican  
14 Attorneys General Association

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 **REPUBLICAN ATTORNEYS GENERAL**  
18 **ASSOCIATION,**

19 **Petitioner,**

20 **vs.**

21 **LAS VEGAS METROPOLITAN POLICE**  
22 **DEPARTMENT,**

23 **Respondent.**

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**

24 The matter of the Public Records Act Application Pursuant to NRS 239.001/Petition for  
25 Writ of Mandamus filed by Petitioner, Republican Attorneys General Association ("Petitioner")  
26 having come on for hearing on order shortening time before the Honorable Kerry Earley on  
27 October 17, 2018; Petitioner and Respondent, Las Vegas Metropolitan Police Department  
28 ("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

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

5 COURT FURTHER FINDS AND CONCLUDES, after having reviewed in-camera the  
6 body worn camera footage, that all portions of the footage, including the portions with Senator  
7 Aaron Ford, are directly related to the investigation of a juvenile involved incident. The footage  
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17 addition to the juveniles at the crime scene does not remove the subject records outside the  
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26  
27  
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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  
6 239.001/Petition for Writ of Mandamus is DENIED.  
7

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 on  
12 Friday, October 19, 2018.

13 Dated this \_\_\_\_\_ day of October, 2018.  
14

15  
16 KERRY EARLEY  
District Court Judge

17 Respectfully submitted by:

Approved as to form and content:

18 **CLARK HILL PLLC**

**MARQUIS AURBACH COFFING**

19  
20 By: Colleen E. McCarty  
21 DEANNA L. FORBUSH  
Nevada Bar No. 6646  
22 COLLEEN E. MCCARTY, ESQ.  
Nevada Bar No. 13186  
23 3800 Howard Hughes Parkway, Suite 500  
Las Vegas, Nevada 89169  
24 Telephone: (702) 862-8300  
Attorneys for Petitioner  
25 Republican Attorneys General  
Association  
26

By: \_\_\_\_\_  
27 NICHOLAS D. CROSBY, ESQ.  
Nevada Bar No. 8996  
JACKIE V. NICHOLS, ESQ.  
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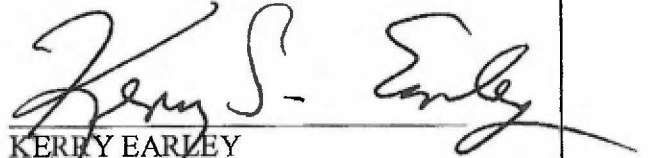
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13 Dated this 18 day of October, 2018.

14   
15 KERRY EARLEY  
16 District Court Judge  
17

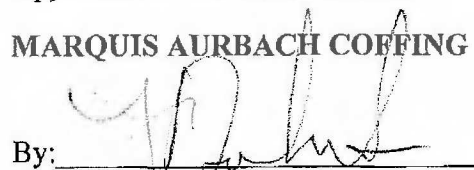
18 Respectfully submitted by:

19 CLARK HILL PLLC  
20

21 By: \_\_\_\_\_  
22 DEANNA L. FORBUSH  
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28 Telephone: (702) 862-8300  
Attorneys for Petitioner  
Republican Attorneys General  
Association

Approved as to form and content:

MARQUIS AURBACH COFFING

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26 10001 Park Run Drive  
27 Las Vegas, Nevada 89145  
28 Attorneys for Las Vegas  
Metropolitan Police Department

**October 05, 2018**



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Mandamus**

**COURT MINUTES**

**October 09, 2018**

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A-18-780538-W      Republican Attorneys General Association, Plaintiff(s)  
vs.  
Las Vegas Metropolitan Police Department, Defendant(s)

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**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.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Mandamus**

**COURT MINUTES**

**October 17, 2018**

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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.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Mandamus**

**COURT MINUTES**

**October 17, 2018**

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A-18-780538-W      Republican Attorneys General Association, Plaintiff(s)  
vs.  
Las Vegas Metropolitan Police Department, Defendant(s)

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**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 Department's 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

## EXHIBIT(S) LIST

**Case No.: A780538**

**Hearing / Trial Date: 10/17/18**

Dept. No.: 4

**Judge: Kerry Earley**

**Court Clerk: Elizabeth Vargas**

**Plaintiff: Republican Attorneys General Association**

**Recorder / Reporter: Sharon Nichols**

**Counsel for Plaintiff: Colleen McCarty, Esq.**

**VS.**

**Defendant:** Las Vegas Metropolitan Police Department

**Counsel for Defendant: Jackie Nichols, Esq.**

## HEARING / TRIAL BEFORE THE COURT

COURT'S	EXHIBITS
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[illegible]

# 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; 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),

Case No: A-18-780538-W

Dept No: IV

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 21 day of November 2018.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

**JA000466**

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

Check N<sup>o</sup> 17000039

6-7041  
2410  
11/19/2018

Two Hundred Fifty and 00/100

Dollars

AMOUNT  
\$250.00

PAY

To the  
order of

Clerk of the Supreme Court

 Citizens Bank<sup>®</sup>

VOID AFTER 90 DAYS

CLARK HILL PLC  
TWO SIGNATURES REQUIRED OVER \$10,000

BY    
An Authorized Representative of the Firm

BY    
An Authorized Representative of the Firm

⑈ 17000039 ⑈ ⑆ 241070417⑆ 4504282908 ⑈

Details on back.  
Security Features Included

JA000467

**IN THE SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK**

REPUBLICAN ATTORNEYS GENERAL  
ASSOCIATION,  
Appellant,  
vs.  
LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,  
Respondent.

**Supreme Court No. 77511**  
District Court Case No. A780538

**NOTICE OF REFERRAL TO SETTLEMENT PROGRAM AND SUSPENSION  
OF RULES**

TO: Clark Hill PLLC \ Deanna L. Forbush, Colleen E. McCarty  
Marquis Aurbach Coffing \ Nicholas D. Crosby, Jacqueline V. Nichols

This notice is to inform you that this appeal may be assigned to the court's Settlement Program. See NRAP 16(a). The issuance of this notice automatically stays the time for filing a request for transcripts under NRAP 9, and for filing briefs under NRAP 31. See NRAP 16(a)(1).

The docketing statement must be filed and served within 20 days of the date of this notice. This timeline is not stayed by this notice.

DATE: November 28, 2018

Elizabeth A. Brown, Clerk of Court

By: Linda Hamilton  
Deputy Clerk

Notification List

Electronic  
Clark Hill PLLC \ Deanna L. Forbush  
Clark Hill PLLC \ Colleen E. McCarty  
Marquis Aurbach Coffing \ Nicholas D. Crosby  
Marquis Aurbach Coffing \ Jacqueline V. Nichols

**IN THE SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK**

REPUBLICAN ATTORNEYS GENERAL  
ASSOCIATION,  
Appellant,  
vs.  
LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,  
Respondent.

**Supreme Court No. 77511**  
District Court Case No. A780538

**NOTICE OF ASSIGNMENT TO NRAP 16 SETTLEMENT PROGRAM**

TO: Clark Hill PLLC \ Deanna L. Forbush  
Clark Hill PLLC \ Colleen E. McCarty  
Marquis Aurbach Coffing \ Nicholas D. Crosby  
Marquis Aurbach Coffing \ Jacqueline V. Nichols

Pursuant to NRAP 16, this matter is assigned to the Settlement Program. Any questions regarding scheduling should be directed to the assigned settlement judge:

Ara H. Shirinian  
10651 Capesthorne Way  
Las Vegas, NV 89135  
Phone: (702) 496-4985

- > Unless the settlement judge directs otherwise, each party shall submit a confidential settlement statement directly to the Settlement Judge within 15 days from the date of this notice. A settlement statement is limited to 10 pages, shall not be served on opposing counsel or submitted to the Supreme Court. See NRAP 16(d).
- > All counsel shall participate in a premediation telephone conference initiated by the settlement judge within 30 days of this Notice. See NRAP 16(b).
- > All papers or documents filed with the Supreme Court while a case is in the settlement program shall be served on all parties and the settlement judge. See NRAP 16(a)(3).
- > Additional information regarding the settlement program is available on the court's website: [http://supreme.nvcourts.gov/Settlement\\_Program/Overview/](http://supreme.nvcourts.gov/Settlement_Program/Overview/)

DATE: November 30, 2018

Elizabeth A. Brown, Clerk of Court

By: Shaunna Troop  
Settlement Program Administrative Coordinator



Notification List

Electronic

Clark Hill PLLC \ Deanna L. Forbush

Clark Hill PLLC \ Colleen E. McCarty

Marquis Aurbach Coffing \ Nicholas D. Crosby

Marquis Aurbach Coffing \ Jacqueline V. Nichols

Paper

Ara H. Shirinian, Settlement Judge


IN THE SUPREME COURT OF THE STATE OF NEVADA

REPUBLICAN ATTORNEYS GENERAL  
ASSOCIATION,  
Appellant,  
vs.  
LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,  
Respondent.

No. 77511

**FILED**

DEC 10 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

**SETTLEMENT PROGRAM**  
**EARLY CASE ASSESSMENT REPORT**

After conducting a premediation conference with counsel pursuant to NRAP 16(b), I make the following recommendation to the court regarding this appeal:

☐

This case is appropriate for the program and a mediation session will be scheduled/has been scheduled for:

\_\_\_\_\_

\_\_\_\_\_

☒

This case is not appropriate for mediation and should be removed from the settlement program.

☐

The premediation conference has not been conducted or is continued because:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



Settlement Judge

cc: All Counsel

JA000471

18-907792

IN THE SUPREME COURT OF THE STATE OF NEVADA

REPUBLICAN ATTORNEYS GENERAL  
ASSOCIATION,

Appellant,

vs.

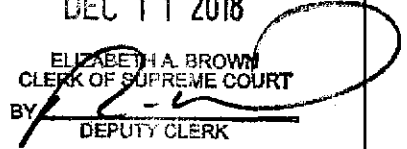
LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,

Respondent.

No. 77511

**FILED**

DEC 11 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER REMOVING FROM SETTLEMENT PROGRAM  
AND REINSTATING BRIEFING*

Pursuant to the recommendation of the settlement judge and good cause appearing, this appeal is removed from the settlement program. See NRAP 16. Accordingly, we reinstate the deadlines for requesting transcripts and filing briefs.

Appellant shall have 15 days from the date of this order to file and serve a transcript request form. See NRAP 9(a).<sup>1</sup> Further, appellant shall have 90 days from the date of this order to file and serve the opening brief and appendix.<sup>2</sup> Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

It is so ORDERED.

 C.J.

<sup>1</sup>If no transcript is to be requested, appellant shall file and serve a certificate to that effect within the same time period. NRAP 9(a).

<sup>2</sup>In preparing and assembling the appendix, counsel shall strictly comply with the provisions of NRAP 30.

cc: Ara H. Shirinian, Settlement Judge  
Clark Hill PLLC  
Marquis Aurbach Coffing