**Marquis Aurbach Coffing**

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Nevada Bar No. 8996

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jnichols@maclaw.com

*Attorneys for Respondent, Las Vegas**Metropolitan Police Department*Electronically Filed  
Jan 24 2019 09:26 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court**DISTRICT COURT****CLARK COUNTY, NEVADA**THE CENTER FOR INVESTIGATIVE  
REPORTING, INC.,

Petitioner,

vs.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,

Respondent.

Case No.: A-18-773883-W  
Dept. No.: 11**RESPONDENT LAS VEGAS METROPOLITAN POLICE DEPARTMENT'S NOTICE  
OF APPEAL**

Respondent Las Vegas Metropolitan Police Department, by and through its attorneys of record, Nicholas Crosby, Esq. and Jackie Nichols, Esq., of the law firm of Marquis Aurbach Coffing, hereby appeals to the Supreme Court of Nevada from the Order Granting The Center For Investigative Reporting Inc.'s Motion for Attorneys' Fees and Costs filed on January 7, 2019

///

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**MARQUIS AURBACH COFFING**

10001 Park Run Drive  
Las Vegas, Nevada 89145  
(702) 382-0711 FAX: (702) 382-5816

1 and noticed on January 8, 2019, attached hereto as **Exhibit A**, respectively.

2 Dated this 14 day of January, 2019.

3 MARQUIS AURBACH COFFING

4  
5 By: 

6 Nick D. Crosby, Esq.

7 Nevada Bar No. 8996

8 Jackie V. Nichols, Esq.

9 Nevada Bar No. 14246

10 10001 Park Run Drive

11 Las Vegas, Nevada 89145

12 *Attorneys for Respondent, Las Vegas*

13 *Metropolitan Police Department*

**CERTIFICATE OF SERVICE**

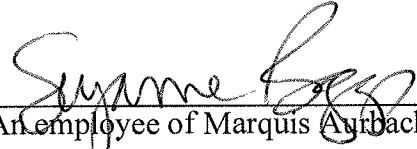
I hereby certify that the foregoing **RESPONDENT LAS VEGAS METROPOLITAN POLICE DEPARTMENT'S NOTICE OF APPEAL** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 16<sup>th</sup> day of January, 2019. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:<sup>1</sup>

Philip R. Erwin, Esq.  
Samuel Mirkovich, Esq.  
Campbell & Williams  
700 South Seventh Street  
Las Vegas, Nevada 89101  
[jyc@cwlawlv.com](mailto:jyc@cwlawlv.com)  
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[lmw@cwlawlv.com](mailto:lmw@cwlawlv.com)  
[srm@cwlawlv.com](mailto:srm@cwlawlv.com)  
[rpr@cwlawlv.com](mailto:rpr@cwlawlv.com)  
[maw@cwlawlv.com](mailto:maw@cwlawlv.com)

*Attorneys for Petitioner,  
The Center for Investigative Reporting, Inc.*

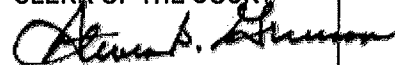
I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

N/A

  
An employee of Marquis Aurbach Coffing

<sup>1</sup> Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

# **EXHIBIT “A”**



**ORDER**

CAMPBELL & WILLIAMS  
PHILIP R. ERWIN, ESQ. (11563)  
[pre@cwlawlv.com](mailto:pre@cwlawlv.com)  
SAMUEL R. MIRKOVICH, ESQ. (11662)  
[srm@cwlawlv.com](mailto:srm@cwlawlv.com)  
700 South Seventh Street  
Las Vegas, Nevada 89101  
Telephone: (702) 382-5222  
Facsimile: (702) 382-0540

*Attorneys for Plaintiff*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

THE CENTER FOR INVESTIGATIVE  
REPORTING INC., a California Nonprofit  
Organization,

Petitioner,

vs.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,

Respondent.

CASE NO.: A-18-773883-W  
DEPT. NO.: XI

**ORDER GRANTING THE CENTER FOR  
INVESTIGATIVE REPORTING INC.'S  
MOTION FOR ATTORNEYS' FEES  
AND COSTS**

This matter came on for hearing in chambers before the Honorable Elizabeth Gonzalez this 21st day of December, 2018 on Petitioner The Center for Investigative Reporting Inc.'s Motion for Attorneys' Fees and Costs. The Court, having reviewed the Motion for Attorneys' Fees and Costs and related briefing, and being fully informed, hereby rules as follows:

**I. FINDINGS**

1. This matter arose out of the Las Vegas Metropolitan Police Department's ("LVMPD") noncompliance with the Nevada Public Records Act ("NPRA") in connection with The Center for Investigative Reporting Inc.'s ("CIR") requests for public records concerning the

1 murder of Tupac Shakur in Las Vegas, Nevada in September 1996. Because LVMPD maintained  
2 a blanket objection to confidentiality and refused to produce any records beyond a two-page police  
3 report, CIR commenced this action by filing its Petition for Writ of Mandamus (the "Petition")  
4 pursuant to NRS 239.011. Thereafter, the Honorable Joanna Kishner conducted a hearing on CIR's  
5 Petition and stated that LVMPD had failed to meet its burden of demonstrating confidentiality as  
6 required by Nevada law. Following the hearing, LVMPD agreed to produce the requested records  
7 and ultimately provided CIR with approximately 1,400 pages of records and other media related to  
8 Tupac Shakur's murder.

9  
10 2. In Nevada, an award of attorneys' fees is permitted when "allowed by express or  
11 implied agreement or when authorized by statute." *See Schouweiler v. Yancey Co.*, 101 Nev. 827,  
12 829, 712 P.2d 786, 788 (1985). Under the NPRA, "[i]f the requester prevails, the requester is  
13 entitled to recover his or her costs and reasonable attorneys' fees in the proceeding from the  
14 governmental entity whose officer has custody of the book or record." NRS 239.011(2). Here, the  
15 parties submitted comprehensive briefs on this issue and the Court determined that CIR "prevailed"  
16 pursuant to NRS 239.011(2) because this lawsuit caused LVMPD to comply with the NPRA. *See*  
17 *Order Regarding The Center for Investigative Reporting, Inc.'s Petition for Writ of Mandamus* (on  
18 file). Based on this finding, CIR submitted its Motion for Attorneys' Fees and Costs.

19  
20 3. LVMPD asserts that a non-prevailing government entity is only subject to an award  
21 of fees and costs under NRS 239.011(2) if it acted in bad faith. LVMPD's argument hinges on its  
22 contention that NRS 239.011(2) must be read in conjunction with NRS 239.012, which provides  
23 that "[a] public officer or employee who acts in good faith in disclosing or refusing to disclose  
24 information and the employer of the public officer or employee are immune from liability for  
25 damages, either to the requestor or to the person to whom the information concerns." Put another  
26 way, LVMPD argues that an award of attorney's fees and costs under NRS 239.011(2) is subsumed  
27 within the "damages" contemplated by the good faith immunity statute of NRS 239.012. LVMPD,  
28

1 in turn, asserts that it acted in good faith in response to CIR's public records requests, which  
2 precludes an award of fees and costs to CIR under NRS 239.011(2).

3 4. The Court finds that LVMPD's attempt to interpolate a good faith requirement in  
4 NRS 239.011(2) is misplaced. Again, NRS 239.011(2) provides that "[i]f the requester prevails,  
5 the requester is entitled to recover his or her costs and reasonable attorney's fees in the proceeding  
6 from the governmental entity whose officer has custody of the book or record." *Id.* In a recent case  
7 involving LVMPD, the Nevada Supreme Court confirmed that "by its plain meaning, [NRS  
8 239.011(2)] grants a requester who prevails in NPRA litigation the right to recover attorney's fees  
9 and costs[.]" *Las Vegas Metro. Police Dep't v. Blackjack Bonding*, 131 Nev. Adv. Op. 10, 343  
10 P.3d 608, 615 (2015). There is no language in NRS 239.11(2) that provides a requesting party is  
11 only entitled to attorney's fees and costs if the governmental entity acted in bad faith. *See Savage*  
12 *v. Pierson*, 123 Nev. 86, 89, 157 P.3d 697, 699 (2007) ("When examining a statute, a purely legal  
13 inquiry, this court should ascribe to its words their plain meaning, unless this meaning was clearly  
14 not intended."). Rather, the requesting party must only "prevail" in order to seek attorney's fees  
15 and costs as CIR did here. *See Order Regarding The Center For Investigate Reporting's Petition*  
16 *for Writ of Mandamus* (on file).

17 5. Nevada law is clear that a statutory award of attorney's fees and costs differs from  
18 special damages in the form of attorney's fees incurred as a result of tortious conduct or a breach  
19 of contract. *See Sandy Valley Assocs. v. Sky Ranch Estates Owners Ass'n*, 117 Nev. 948, 955-57,  
20 956 P.3d 964, 968 (2001) (clarifying Nevada jurisprudence "regarding the difference between  
21 attorney fees as a cost of litigation and attorney fees as an element of damage[.]" and listing cases  
22 where fees were awarded as a cost of litigation or as an element of special damages). CIR is plainly  
23 seeking its attorney's fees as a cost of litigation pursuant to a statute and not as special damages  
24 subject to the pleading requirements of NRCP 9(g). Moreover, unlike other statutory schemes in  
25 Nevada, the NPRA does not expressly define attorney's fees and costs as an element of damages.  
26  
27  
28

1 Cf., *Albos v. Horizon Communities, Inc.*, 122 Nev. 409, 414, 132 P.3d 1022, 1025 (2006) (“Nev.  
2 Rev. Stat. § 40.655 allows constructional defect claimants to recover attorney’s fees and costs as  
3 an element of damages[.]”). Accordingly, the Court finds that an award of attorney’s fees and costs  
4 under NRS 239.011(2) is separate and distinct from the damages addressed by NRS 239.012.

5 6. NRS 239.012 applies to a broader set of circumstances than the narrow fee provision  
6 in NRS 239.011(2). NRS 239.012 immunizes an individual employee from damages for any good  
7 faith response to a public records request whereas NRS 239.011(2) only applies when a requester  
8 prevails in a judicial action to obtain records that were wrongfully withheld by a governmental  
9 entity. Similarly, NRS 239.012 immunizes an individual employee for the disclosure or refusal to  
10 disclose public records, but NRS 239.011(2) is only invoked based on a governmental entity’s  
11 refusal to disclose public records. The Court finds these distinctions also weigh against a finding  
12 that NRS 239.011(2) incorporates the good faith immunity provision contained in NRS 239.012.

13 14 7. LVMPD’s position conflicts with the underlying policy of the NPRA, which is “to  
15 foster democratic principles by providing members of the public with access to inspect and copy  
16 public books and records to the extent permitted by law.” NRS 239.001(1). In that regard, “the  
17 provisions of the [NPRA] must be construed liberally to carry out this important purpose[.]” and  
18 “[a]ny exemption, exception or balancing of interests which limits or restricts access to public  
19 books and records by members of the public must be construed narrowly.” NRS 239.001(2) and  
20 (3). The Court will not interpret a good faith requirement in NRS 239.011(2) because an expansive  
21 application of the NPRA’s fee provision encourages governmental entities such as LVMPD to  
22 comply with the law. *See, e.g., Frankel v. Dist. of Columbia Office for Planning and Econ. Dev.*, 110  
23 A.3d 553, 557 (D.C. Ct. App. 2015) (adopting broad interpretation of fee provision as it “advances  
24 [the] goals [of D.C. FOIA] by allowing more litigants to recover attorney’s fees and creating an  
25 incentive for the D.C. government to disclose more documents in the first place.”).



1 8. Regardless, to the extent NRS 239.011(2) incorporates the good faith requirement  
2 set forth in NRS 239.012, the Court finds that LVMPD's decision not to comply with CIR's public  
3 records requests was not made in good faith.

4 9. In determining the amount of attorneys' fees and costs to be awarded, the Nevada  
5 Supreme Court ruled in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 345, 455 P.2d 31, 31  
6 (1969), that the following factors are to be considered: (1) *the qualities of the advocate*: his ability,  
7 his training, education, experience, professional standing and skill; (2) *the character of the work to*  
8 *be done*: its difficulty, its intricacy, its importance, time and skill required, the responsibility  
9 imposed and the prominence and character of the parties where they affect the importance of the  
10 litigation, (3) *the work actually performed by the lawyer*: the skill, time and attention given to the  
11 work; (4) *the result*: whether the attorney was successful and what benefits were derived.

12 10. The Court has carefully analyzed the *Brunzell* factors as follows:

13 a) Regarding the qualities of counsel, the Court finds that CIR's counsel are  
14 experienced and skilled litigators in general. The Court further finds that the hourly  
15 rate of \$450 charged by Messrs. Erwin and Mirkovich is consistent with reasonable  
16 community standards for work in similar matters and for firms with similar pedigrees.  
17 The requested rates are also consistent with those sought and/or awarded to CIR's  
18 counsel in previous cases.

19 b) Next, the character of the work performed was high quality and concerned at  
20 least one issue of first impression in this State. This case also involved a dispute  
21 between CIR, a critically acclaimed media outlet, and LVMPD, the primary law  
22 enforcement agency in Southern Nevada, regarding CIR's efforts to obtain information  
23 related to a matter of significant public interest.  
24  
25  
26  
27  
28

c) The Court finds that the work actually performed by CIR's counsel—which included extensive briefing and numerous court appearances—was reasonable, necessary and skillfully accomplished.

d) With respect to the result obtained, the Court has previously detailed its findings that CIR prevailed in this matter and incorporates those findings as if fully set forth herein.

11. The Court finds that CIR has adequately supported its request for attorney's fees with appropriate evidence in the form of (i) a declaration from Philip R. Erwin, Esq., addressing the *Brunzell* factors and (ii) a detailed record of the work performed by counsel and costs expended in this matter.

## II. ORDER

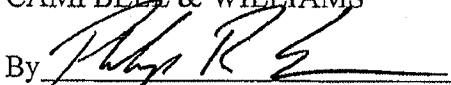
1. IT IS HEREBY ORDERED AND ADJUDGED that CIR's Motion for Attorneys' Fees and Costs is GRANTED.

2. LVMPD shall pay CIR and its counsel \$50,402.89 in attorney's fees and costs within thirty (30) days from the date of this Order.

DATED this 7 day of January, 2019.

  
HON. JUDGE ELIZABETH GONZALEZ

Respectfully submitted by:  
CAMPBELL & WILLIAMS

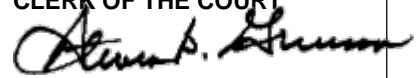
By   
Philip R. Erwin, ESQ. (11563)  
Samuel R. Mirkovich (11662)  
700 South Seventh Street  
Las Vegas, Nevada 89101

*Attorneys for Petitioner*

Approved As To Form By:  
MARQUIS AURBACH COFFING

By REFUSED TO SIGN  
Nick D. Crosby, Esq. (8996)  
Jackie V. Nichols, Esq. (14246)  
10001 Park Run Drive  
Las Vegas, Nevada 89145

*Attorneys for Respondent*

**Marquis Aurbach Coffing**

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Jackie V. Nichols, Esq.

Nevada Bar No. 14246

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Las Vegas, Nevada 89145

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ncrosby@maclaw.com

jnichols@maclaw.com

*Attorneys for Respondent, Las Vegas**Metropolitan Police Department***DISTRICT COURT****CLARK COUNTY, NEVADA**THE CENTER FOR INVESTIGATIVE  
REPORTING, INC.,

Petitioner,

vs.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,

Respondent.

Case No.: A-18-773883-W

Dept. No.: 11

**RESPONDENT LAS VEGAS METROPOLITAN POLICE DEPARTMENT'S CASE**  
**APPEAL STATEMENT**

Respondent Las Vegas Metropolitan Police Department, by and through their attorneys of record, Marquis Aurbach Coffing, hereby files this Case Appeal Statement.

1. Name of appellant filing this Case Appeal Statement:

Las Vegas Metropolitan Police Department

2. Identify the Judge issuing the decision, judgment, or order appealed from:

Honorable Elizabeth Gonzalez

3. Identify each appellant and the name and address of counsel for each appellant:

Appellant: Las Vegas Metropolitan Police Department

Nick D. Crosby, Esq.

Jackie V. Nichols, Esq.

Marquis Aurbach Coffing

10001 Park Run Drive

Las Vegas, Nevada 89145

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicated as much and provide the name and address of that respondent's trial counsel):

**Respondent:** The Center for Investigative Reporting, Inc.

Philip R. Erwin, Esq.  
Samuel R. Mirkovich, Esq.  
Campbell & Williams  
700 South Seventh Street  
Las Vegas, Nevada 89101

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):

N/A

6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

Retained.

7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

Retained.

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

N/A

9. Indicate the date the proceedings commenced in the district court (e.g., date complaint indictment, information, or petition was filed):

May 2, 2018.

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

This action concerns a Petition for Writ of Mandamus regarding Nevada's Public

1 Records Act. Respondents sought public records from Appellant regarding its  
2 investigation concerning the murder of Tupac Shakur in September 1996. The  
3 Court ordered an evidentiary hearing to determine whether the records were  
4 confidential. Ultimately, the Parties came to an agreement regarding the  
5 requested records and the Petition for Writ of Mandamus was rendered moot.  
6 Although the Court did not grant the Petition or order LVMPD to produce  
7 records, the District Court determined that the Center for Investigative Reporting,  
8 Inc. nonetheless prevailed. As such, the Center for Investigative Reporting, Inc.  
9 moved for attorneys' fees and cost. The Court granted the motion in the amount  
10 of \$50,402.89.

11 11. Indicate whether the case has previously been the subject of an appeal to or  
12 original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket  
13 number of the prior proceeding:

14 This case is currently pending in the Nevada Supreme Court on an appeal of the  
15 District Court's Order regarding the Petition for Writ of Mandamus, Las Vegas  
16 Metropolitan Police Department v. The Center for Investigative Reporting, Inc.,  
17 Case No. 77617.

18 12. Indicate whether this appeal involves child custody or visitation:

19 N/A

20 13. If this is a civil case, indicate whether this appeal involves the possibility of  
21 settlement:

22 This case does not involve the possibility of settlement.

23 Dated this 16 day of January, 2019.

24 MARQUIS AURBACH COFFING

25 By: 

26 Nick D. Crosby, Esq.  
27 Nevada Bar No. 8996  
28 Jackie V. Nichols, Esq.  
Nevada Bar No. 14246  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
*Attorneys for Respondent, Las Vegas  
Metropolitan Police Department*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **RESPONDENT LAS VEGAS METROPOLITAN POLICE DEPARTMENT'S CASE APPEAL STATEMENT** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 16<sup>th</sup> day of January, 2019. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:<sup>1</sup>

Philip R. Erwin, Esq.  
Samuel Mirkovich, Esq.  
Campbell & Williams  
700 South Seventh Street  
Las Vegas, Nevada 89101

jyc@cwlawlv.com  
pre@cwlawlv.com  
lmm@cwlawlv.com  
srm@cwlawlv.com  
rpr@cwlawlv.com  
maw@cwlawlv.com

*Attorneys for Petitioner,  
The Center for Investigative Reporting, Inc.*

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

  
An employee of Marquis Aurbach Coffing

<sup>1</sup> Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

# CASE SUMMARY

## CASE NO. A-18-773883-W

Center for Investigative Reporting Inc, Plaintiff(s)  
 vs.  
 Las Vegas Metropolitan Police Department, Defendant  
 (s)

Location: Department 11  
 Judicial Officer: Gonzalez, Elizabeth  
 Filed on: 05/02/2018  
 Case Number History:  
 Cross-Reference Case Number: A773883  
 Supreme Court No.: 77617

### CASE INFORMATION

Statistical Closures  
 01/11/2019 Summary Judgment

Case Type: Writ of Mandamus

Case Status: 01/11/2019 Closed

### DATE

### CASE ASSIGNMENT

#### Current Case Assignment

Case Number A-18-773883-W  
 Court Department 11  
 Date Assigned 10/15/2018  
 Judicial Officer Gonzalez, Elizabeth

### PARTY INFORMATION

**Plaintiff** Center for Investigative Reporting Inc

*Lead Attorneys*

**Erwin, Philip R., ESQ**  
*Retained*  
 702-382-5222(W)

**Defendant** Las Vegas Metropolitan Police Department

**Crosby, Nick D**  
*Retained*  
 702-382-0711(W)

### DATE

### EVENTS & ORDERS OF THE COURT

### INDEX

#### EVENTS

05/02/2018



Petition for Writ of Mandamus

Filed by: Plaintiff Center for Investigative Reporting Inc  
*Verified Petition for Writ Mandamus and Incorporated Application for Order and Expedited Hearing Pursuant to NRS 239.011*

05/02/2018



Initial Appearance Fee Disclosure

*Initial Appearance Fee Disclosure*

05/03/2018



Summons Electronically Issued - Service Pending

Party: Plaintiff Center for Investigative Reporting Inc  
*Summons to Las Vegas Metropolitan Police Department*

05/07/2018



Writ of Mandamus

Filed by: Plaintiff Center for Investigative Reporting Inc  
*Verified Petition for Writ of Mandamus and Incorporated Application for Order and Expedited Hearing Pursuant to NRS 239.011*

05/08/2018



Affidavit of Service

Filed By: Plaintiff Center for Investigative Reporting Inc  
*Affidavit of Service*

**CASE SUMMARY**  
**CASE NO. A-18-773883-W**

|            |  |
|------------|--|
| 05/10/2018 |  Response<br>Filed by: Defendant Las Vegas Metropolitan Police Department<br><i>Respondent Las Vegas Metropolitan Police Department s Response to Verified Petition for Writ of Mandamus and Incorporated Application for Order and Expedited Hearing Pursuant to NRS 239.011</i> |
| 05/14/2018 |  Errata<br>Filed By: Plaintiff Center for Investigative Reporting Inc<br><i>Notice of Errata to Reply In Support of Verified Petition for Writ Mandamus and Incorporated Application for Order and Expedited Hearing Pursuant to NRS 239.011</i>                                  |
| 05/14/2018 |  Reply<br>Filed by: Plaintiff Center for Investigative Reporting Inc<br><i>Reply In Support of Verified Petition for Writ of Mandamus and Incorporated Application for Order and Expedited Hearing Pursuant to NRS 239.011</i>  |
| 10/05/2018 |  Transcript of Proceedings<br><i>Transcript - Verified Petition for Writ of Mandamus and Incorporated Application for Order and Expedited Hearing Pursuant to NRS 239.011 5/15/18</i>   |
| 10/12/2018 |  Notice of Change of Hearing<br><i>Notice of Change of Hearing</i>  |
| 10/12/2018 |  Supplemental Brief<br>Filed By: Plaintiff Center for Investigative Reporting Inc<br><i>Petitioner the Center for Investigative Reporting Inc. s Supplemental Brief Regarding Its Prevailing Status Under NRS 239.011</i>   |
| 10/12/2018 |  Brief<br>Filed By: Defendant Las Vegas Metropolitan Police Department<br><i>Respondent Las Vegas Metropolitan Police Department's Brief Regarding Issue of Prevailing Party</i>  |
| 10/15/2018 | Case Reassigned to Department 11<br><i>Reassigned from Department 31</i>   |
| 11/05/2018 |  Order<br>Filed By: Plaintiff Center for Investigative Reporting Inc<br><i>Order Regarding the Center for Investigative Reporting, Inc.'s Petition for Writ of Mandamus</i>   |
| 11/06/2018 |  Notice of Entry of Order<br>Filed By: Plaintiff Center for Investigative Reporting Inc<br><i>Notice of Entry of Order</i>  |
| 11/14/2018 |  Motion for Attorney Fees and Costs<br><i>The Center for Investigative Reporting Inc.'s Motion for Attorneys' Fees and Costs</i>  |
| 11/19/2018 |  Notice<br>Filed By: Plaintiff Center for Investigative Reporting Inc<br><i>Notice of Hearing on the Center for Investigative Reporting Inc's Motion for Attorneys' Fees and Costs</i>  |
| 12/04/2018 |  Opposition to Motion<br>Filed By: Defendant Las Vegas Metropolitan Police Department   |



**CASE SUMMARY**  
**CASE NO. A-18-773883-W**


*Respondent Las Vegas Metropolitan Police Department's Response to Motion for Attorneys' Fees and Costs*

|            |  |
|------------|--|
| 12/04/2018 |  Notice of Appeal<br>Filed By: Defendant Las Vegas Metropolitan Police Department<br><i>Respondent Las Vegas Metropolitan Police Department's Notice of Appeal</i>                |
| 12/04/2018 |  Case Appeal Statement<br>Filed By: Defendant Las Vegas Metropolitan Police Department<br><i>Respondent Las Vegas Metropolitan Police Department's Case Appeal Statement</i>      |
| 12/12/2018 |  Reply in Support<br><i>The Center for Investigative Reporting Inc.'s Reply in Support of Motion for Attorneys' Fees and Costs.</i>   |
| 01/07/2019 |  Order<br>Filed By: Plaintiff Center for Investigative Reporting Inc<br><i>Order Granting The Center for Investigative Reporting, Inc.'s Motion for Attorneys' Fees and Costs</i> |
| 01/08/2019 |  Notice of Entry of Order<br>Filed By: Plaintiff Center for Investigative Reporting Inc<br><i>Notice of Entry of Order</i>  |
| 01/11/2019 |  Order to Statistically Close Case<br><i>Civil Order to Statistically Close Case</i>  |
| 01/11/2019 |  Request<br>Filed by: Defendant Las Vegas Metropolitan Police Department<br><i>Request for Transcript of Proceedings</i>  |
| 01/16/2019 |  Notice of Appeal<br>Filed By: Defendant Las Vegas Metropolitan Police Department<br><i>Respondent Las Vegas Metropolitan Police Department's Notice of Appeal</i>              |
| 01/16/2019 |  Case Appeal Statement<br>Filed By: Defendant Las Vegas Metropolitan Police Department<br><i>Respondent Las Vegas Metropolitan Police Department's Case Appeal Statement</i>    |

**DISPOSITIONS**

01/07/2019 **Order** (Judicial Officer: Gonzalez, Elizabeth)  
 Debtors: Las Vegas Metropolitan Police Department (Defendant)  
 Creditors: Center for Investigative Reporting Inc (Plaintiff)  
 Judgment: 01/07/2019, Docketed: 01/08/2019  
 Total Judgment: 50,402.89

**HEARINGS**

05/15/2018  **Petition for Writ of Mandamus (9:00 AM)** (Judicial Officer: Kishner, Joanna S.)  
**05/15/2018, 09/13/2018, 09/25/2018**  
*Plaintiff's Verified Petition for Writ of Mandamus and Incorporated Application for Order and Expedited Hearing Pursuant to NRS 239.011*  
 Matter Continued; Verified Petition for Writ of Mandamus and Incorporated Application for Order and Expedited Hearing Pursuant to NRS 239.011  
 Pursuant to faxed request from counsel  
 Letter dated 8/28/18 requested 2 week continuance

**CASE SUMMARY**  
**CASE NO. A-18-773883-W**

Matter Continued;  
Briefing Schedule Set;  
Journal Entry Details:

*Mr. Erwin indicated he and Mr. Crosby had been working towards a resolution but that communications had broken down and there remains an outstanding issue as to attorney's fees. Mr. Erwin suggested the parties submit competing briefs on the issue. Mr. Crosby stated they disagree as to the term "prevailing party" and was agreeable to submitting supplemental briefs. Colloquy regarding simultaneous briefing and possible further oral argument. The Court DIRECTED counsel to submit a letter to the Court as to the agreed upon date for simultaneous briefing and, if further oral argument is requested, counsel's availability for further argument on a Tuesday or Thursday at 9:30 a.m. the week after the submissions. COURT ORDERED matter SET for Status Check in Chambers regarding receipt of counsel's letter. 9/28/18 (CHAMBERS) STATUS CHECK: LETTER FROM COUNSEL WITH SIMULTANEOUS BRIEFING DATE AND IF ORAL ARGUMENT IS REQUESTED REGARDING PREVAILING PARTY RE WRIT;*

Matter Continued; Verified Petition for Writ of Mandamus and Incorporated Application for Order and Expedited Hearing Pursuant to NRS 239.011

Pursuant to faxed request from counsel  
Letter dated 8/28/18 requested 2 week continuance

Matter Continued;  
Briefing Schedule Set;  
Journal Entry Details:

*Mr. Erwin indicated that the parties appear to have resolved the contested issues; that the received Metro redacted production, requested additional documents, that tapes were being converted and produced and there would be no need for an in camera review. Mr. Erwin requested an Order granting the Writ and that he would be filing for fees for having to bring the Writ. The Court stated it would need opposing counsel to be present and ORDERED matter CONTINUED. Mr. Erwin indicated the parties may possibly submit a proposed Order for the Court's consideration. CONTINUED TO: 9/25/18 9:30 AM;*

Matter Continued; Verified Petition for Writ of Mandamus and Incorporated Application for Order and Expedited Hearing Pursuant to NRS 239.011

Pursuant to faxed request from counsel  
Letter dated 8/28/18 requested 2 week continuance

Matter Continued;  
Briefing Schedule Set;  
Journal Entry Details:

*The Court disclosed to the parties that an extern will be starting sometime next week and indicated the Court would screen off the extern from handling any Campbell Williams firm's cases to avoid any conflict of interest. Counsel waived any objection based on the limited information provided. Mr. Erwin argued that the burden is on Metro to make a showing the the law enforcement justifications for confidentiality clearly outweighs the public's interest for disclosure of the records; that the law enforcement justifications are to be construed narrowly in favor of a liberal application; finally the open records act requires redaction and production. Mr. Crosby requested an in camera hearing to hear testimony for purposes of balancing in favor of non-disclosure. Mr. Erwin objected to a closed hearing and requested an opportunity to cross examine the witness; requested that Metro provide anything they intend to utilize at the hearing, as well as a log of what is being withheld. Mr. Crosby indicated there would be a Table of Content of the File but it is nonspecific. Colloquy regarding scope of the hearing and the preparation prior thereto. COURT ORDERED, matter SET for Sealed Hearing. Counsel to provide a letter to Chambers to identify the length of time required for the hearing and a stipulated confidentiality agreement for sealing and non disclosure - for attorneys eyes only. 5/23/18 10:00 AM SEALED HEARING;*

09/28/2018



**Status Check (3:00 AM)** (Judicial Officer: Kishner, Joanna S.)

*Status Check: Letter from Counsel with Simultaneous Briefing Date and if Oral Argument is Requested regarding prevailing party re Writ*

**MINUTES**

**CANCELED Status Check (11/02/2018 at 3:00 AM)** (Judicial Officer: Kishner, Joanna S.)

*Vacated*

*Status check for supplemental briefs and proposed Findings of Fact and Conclusions of Law*

Set Status Check;  
Journal Entry Details:

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-18-773883-W**

*Status check for supplemental briefs and proposed Findings of Fact and Conclusions of Law SET for 10/19/18 in Chambers.;*

**SCHEDULED HEARINGS**

**CANCELED Status Check** (11/02/2018 at 3:00 AM) (Judicial Officer: Kishner, Joanna S.)

*Vacated*

*Status check for supplemental briefs and proposed Findings of Fact and Conclusions of Law*

10/30/2018



**Hearing** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

*Hearing: Petition for Writ of Mandamus*

*Matter Heard;*

*Journal Entry Details:*

*Court noted this case was transferred to its docket after arguments, after supplemental briefing, and apparently after submission of proposed findings of fact and conclusions of law. Court further noted it has read the briefing but not the transcripts, and inquired if there was anything that has not been produced subject to the petition that counsel is still seeking. Mr. Erwin stated, no. Court further inquired whether counsel contends Metro has changed their process as a result of the petition. Mr. Erwin stated he contends that Metro has started following the law. Court noted parties are then basically arguing attorney's fees today. Ms. Nichols argued as to what they need to address; supplemental briefing was done to determine the prevailing party under the NPRA to be able to seek attorney's fees. Court noted "prevailing party" is different from "prevails." Following arguments by counsel, **COURT FINDS** it does not appear Metro initially complied with the public records request and after the filing of the petition and original argument did attempt to comply and through the work of counsel working together produced a satisfactory amount of documents for the Petitioner. For that reason, it appears to the Court in this particular case that the Petitioner **PREVAILED** in this action. With regards to attorney's fees, **COURT DIRECTED** counsel to file a motion. Mr. Erwin to prepare today's order.;*

11/02/2018

**CANCELED Status Check** (3:00 AM) (Judicial Officer: Kishner, Joanna S.)

*Vacated*

*Status check for supplemental briefs and proposed Findings of Fact and Conclusions of Law*

12/21/2018



**Motion for Attorney Fees and Costs** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

*Notice of Hearing on the Center for Investigative Reporting Inc's Motion for Attorneys' Fees and Costs*

*Granted;*

*Journal Entry Details:*

*The Court having reviewed the Motion for Attorney's Fees and the related briefing and being fully informed, **GRANTS** the motion. The decision to not comply with the public records request was not made in good faith. After evaluation of the Brunzell factors, all weigh in favor of the award requested by Movant in the reply brief in amount of \$50,402.89 and costs in the amount of \$20.65. As no memorandum of costs has been filed, the Counsel for Movant is directed to submit a proposed order consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order or judgment. **CLERK'S NOTE:** A copy of this minute order was distributed to the parties via the E-Service List. / dr 12-24-18;*

**DATE**

**FINANCIAL INFORMATION**

**Defendant** Las Vegas Metropolitan Police Department

Total Charges

48.00

Total Payments and Credits

48.00

**Balance Due as of 1/17/2019**

**0.00**

**Plaintiff** Center for Investigative Reporting Inc

Total Charges

280.00

Total Payments and Credits

280.00

**Balance Due as of 1/17/2019**

**0.00**

**CASE SUMMARY**

**CASE NO. A-18-773883-W**

## DISTRICT COURT CIVIL COVER SHEET

A-18-773883-W

County, Nevada

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

(Assigned by Clerk's Office)

Department 31

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

Plaintiff(s) (name/address/phone):

The Center for Investigative Reporting, Inc.

Defendant(s) (name/address/phone):

Las Vegas Metropolitan Police Department

Attorney (name/address/phone):

Philip R. Erwin, Esq. and Samuel R. Mirkovich, Esq.

Attorney (name/address/phone):

Campbell &amp; Williams, 700 S. Seventh St.

Las Vegas, Nevada 89101 (702) 382 5222

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

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

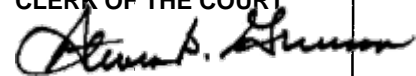
Business Court filings should be filed using the Business Court civil coversheet.

May 2, 2018

Date

Signature of initiating party or representative

See other side for family-related case filings.



**ORDR**

CAMPBELL & WILLIAMS  
PHILIP R. ERWIN, ESQ. (11563)  
[pre@cwlawlv.com](mailto:pre@cwlawlv.com)  
SAMUEL R. MIRKOVICH, ESQ. (11662)  
[srm@cwlawlv.com](mailto:srm@cwlawlv.com)  
700 South Seventh Street  
Las Vegas, Nevada 89101  
Telephone: (702) 382-5222  
Facsimile: (702) 382-0540

*Attorneys for Plaintiff*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

THE CENTER FOR INVESTIGATIVE  
REPORTING INC., a California Nonprofit  
Organization,

Petitioner,

vs.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,

Respondent.

CASE NO.: A-18-773883-W  
DEPT. NO.: XI

**ORDER GRANTING THE CENTER FOR  
INVESTIGATIVE REPORTING INC.'S  
MOTION FOR ATTORNEYS' FEES  
AND COSTS**

This matter came on for hearing in chambers before the Honorable Elizabeth Gonzalez this 21st day of December, 2018 on Petitioner The Center for Investigative Reporting Inc.'s Motion for Attorneys' Fees and Costs. The Court, having reviewed the Motion for Attorneys' Fees and Costs and related briefing, and being fully informed, hereby rules as follows:

**I. FINDINGS**

1. This matter arose out of the Las Vegas Metropolitan Police Department's ("LVMPD") noncompliance with the Nevada Public Records Act ("NPR") in connection with The Center for Investigative Reporting Inc.'s ("CIR") requests for public records concerning the

1 murder of Tupac Shakur in Las Vegas, Nevada in September 1996. Because LVMPD maintained  
2 a blanket objection to confidentiality and refused to produce any records beyond a two-page police  
3 report, CIR commenced this action by filing its Petition for Writ of Mandamus (the "Petition")  
4 pursuant to NRS 239.011. Thereafter, the Honorable Joanna Kishner conducted a hearing on CIR's  
5 Petition and stated that LVMPD had failed to meet its burden of demonstrating confidentiality as  
6 required by Nevada law. Following the hearing, LVMPD agreed to produce the requested records  
7 and ultimately provided CIR with approximately 1,400 pages of records and other media related to  
8 Tupac Shakur's murder.

9  
10 2. In Nevada, an award of attorneys' fees is permitted when "allowed by express or  
11 implied agreement or when authorized by statute." *See Schouweiler v. Yancey Co.*, 101 Nev. 827,  
12 829, 712 P.2d 786, 788 (1985). Under the NPRA, "[i]f the requester prevails, the requester is  
13 entitled to recover his or her costs and reasonable attorneys' fees in the proceeding from the  
14 governmental entity whose officer has custody of the book or record." NRS 239.011(2). Here, the  
15 parties submitted comprehensive briefs on this issue and the Court determined that CIR "prevailed"  
16 pursuant to NRS 239.011(2) because this lawsuit caused LVMPD to comply with the NPRA. *See*  
17 *Order Regarding The Center for Investigative Reporting, Inc.'s Petition for Writ of Mandamus (on*  
18 *file)*. Based on this finding, CIR submitted its Motion for Attorneys' Fees and Costs.

19  
20 3. LVMPD asserts that a non-prevailing government entity is only subject to an award  
21 of fees and costs under NRS 239.011(2) if it acted in bad faith. LVMPD's argument hinges on its  
22 contention that NRS 239.011(2) must be read in conjunction with NRS 239.012, which provides  
23 that "[a] public officer or employee who acts in good faith in disclosing or refusing to disclose  
24 information and the employer of the public officer or employee are immune from liability for  
25 damages, either to the requestor or to the person to whom the information concerns." Put another  
26 way, LVMPD argues that an award of attorney's fees and costs under NRS 239.011(2) is subsumed  
27 within the "damages" contemplated by the good faith immunity statute of NRS 239.012. LVMPD,  
28

1 in turn, asserts that it acted in good faith in response to CIR's public records requests, which  
2 precludes an award of fees and costs to CIR under NRS 239.011(2).

3 4. The Court finds that LVMPD's attempt to interpolate a good faith requirement in  
4 NRS 239.011(2) is misplaced. Again, NRS 239.011(2) provides that "[i]f the requester prevails,  
5 the requester is entitled to recover his or her costs and reasonable attorney's fees in the proceeding  
6 from the governmental entity whose officer has custody of the book or record." *Id.* In a recent case  
7 involving LVMPD, the Nevada Supreme Court confirmed that "by its plain meaning, [NRS  
8 239.011(2)] grants a requester who prevails in NPRA litigation the right to recover attorney's fees  
9 and costs[.]" *Las Vegas Metro. Police Dep't v. Blackjack Bonding*, 131 Nev. Adv. Op. 10, 343  
10 P.3d 608, 615 (2015). There is no language in NRS 239.11(2) that provides a requesting party is  
11 only entitled to attorney's fees and costs if the governmental entity acted in bad faith. *See Savage*  
12 *v. Pierson*, 123 Nev. 86, 89, 157 P.3d 697, 699 (2007) ("When examining a statute, a purely legal  
13 inquiry, this court should ascribe to its words their plain meaning, unless this meaning was clearly  
14 not intended."). Rather, the requesting party must only "prevail" in order to seek attorney's fees  
15 and costs as CIR did here. *See Order Regarding The Center For Investigate Reporting's Petition*  
16 *for Writ of Mandamus* (on file).

17 5. Nevada law is clear that a statutory award of attorney's fees and costs differs from  
18 special damages in the form of attorney's fees incurred as a result of tortious conduct or a breach  
19 of contract. *See Sandy Valley Assocs. v. Sky Ranch Estates Owners Ass'n*, 117 Nev. 948, 955-57,  
20 956 P.3d 964, 968 (2001) (clarifying Nevada jurisprudence "regarding the difference between  
21 attorney fees as a cost of litigation and attorney fees as an element of damage[.]" and listing cases  
22 where fees were awarded as a cost of litigation or as an element of special damages). CIR is plainly  
23 seeking its attorney's fees as a cost of litigation pursuant to a statute and not as special damages  
24 subject to the pleading requirements of NRCP 9(g). Moreover, unlike other statutory schemes in  
25 Nevada, the NPRA does not expressly define attorney's fees and costs as an element of damages.  
26  
27  
28



1 Cf., *Albos v. Horizon Communities, Inc.*, 122 Nev. 409, 414, 132 P.3d 1022, 1025 (2006) (“Nev.  
2 Rev. Stat. § 40.655 allows constructional defect claimants to recover attorney’s fees and costs as  
3 an element of damages[.]”). Accordingly, the Court finds that an award of attorney’s fees and costs  
4 under NRS 239.011(2) is separate and distinct from the damages addressed by NRS 239.012.

5 6. NRS 239.012 applies to a broader set of circumstances than the narrow fee provision  
6 in NRS 239.011(2). NRS 239.012 immunizes an individual employee from damages for any good  
7 faith response to a public records request whereas NRS 239.011(2) only applies when a requester  
8 prevails in a judicial action to obtain records that were wrongfully withheld by a governmental  
9 entity. Similarly, NRS 239.012 immunizes an individual employee for the disclosure or refusal to  
10 disclose public records, but NRS 239.011(2) is only invoked based on a governmental entity’s  
11 refusal to disclose public records. The Court finds these distinctions also weigh against a finding  
12 that NRS 239.011(2) incorporates the good faith immunity provision contained in NRS 239.012.

13 14 7. LVMPD’s position conflicts with the underlying policy of the NPRA, which is “to  
15 foster democratic principles by providing members of the public with access to inspect and copy  
16 public books and records to the extent permitted by law.” NRS 239.001(1). In that regard, “the  
17 provisions of the [NPRA] must be construed liberally to carry out this important purpose[.]” and  
18 “[a]ny exemption, exception or balancing of interests which limits or restricts access to public  
19 books and records by members of the public must be construed narrowly.” NRS 239.001(2) and  
20 (3). The Court will not interpret a good faith requirement in NRS 239.011(2) because an expansive  
21 application of the NPRA’s fee provision encourages governmental entities such as LVMPD to  
22 comply with the law. See, e.g., *Frankel v. Dist. of Columbia Office for Planning and Econ. Dev.*, 110  
23 A.3d 553, 557 (D.C. Ct. App. 2015) (adopting broad interpretation of fee provision as it “advances  
24 [the] goals [of D.C. FOIA] by allowing more litigants to recover attorney’s fees and creating an  
25 incentive for the D.C. government to disclose more documents in the first place.”).

1 8. Regardless, to the extent NRS 239.011(2) incorporates the good faith requirement  
2 set forth in NRS 239.012, the Court finds that LVMPD's decision not to comply with CIR's public  
3 records requests was not made in good faith.

4 9. In determining the amount of attorneys' fees and costs to be awarded, the Nevada  
5 Supreme Court ruled in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 345, 455 P.2d 31, 31  
6 (1969), that the following factors are to be considered: (1) *the qualities of the advocate*: his ability,  
7 his training, education, experience, professional standing and skill; (2) *the character of the work to*  
8 *be done*: its difficulty, its intricacy, its importance, time and skill required, the responsibility  
9 imposed and the prominence and character of the parties where they affect the importance of the  
10 litigation, (3) *the work actually performed by the lawyer*: the skill, time and attention given to the  
11 work; (4) *the result*: whether the attorney was successful and what benefits were derived.

12 10. The Court has carefully analyzed the *Brunzell* factors as follows:

13 a) Regarding the qualities of counsel, the Court finds that CIR's counsel are  
14 experienced and skilled litigators in general. The Court further finds that the hourly  
15 rate of \$450 charged by Messrs. Erwin and Mirkovich is consistent with reasonable  
16 community standards for work in similar matters and for firms with similar pedigrees.  
17 The requested rates are also consistent with those sought and/or awarded to CIR's  
18 counsel in previous cases.

19 b) Next, the character of the work performed was high quality and concerned at  
20 least one issue of first impression in this State. This case also involved a dispute  
21 between CIR, a critically acclaimed media outlet, and LVMPD, the primary law  
22 enforcement agency in Southern Nevada, regarding CIR's efforts to obtain information  
23 related to a matter of significant public interest.  
24  
25  
26  
27  
28

c) The Court finds that the work actually performed by CIR's counsel—which included extensive briefing and numerous court appearances—was reasonable, necessary and skillfully accomplished.

d) With respect to the result obtained, the Court has previously detailed its findings that CIR prevailed in this matter and incorporates those findings as if fully set forth herein.

11. The Court finds that CIR has adequately supported its request for attorney's fees with appropriate evidence in the form of (i) a declaration from Philip R. Erwin, Esq., addressing the *Brunzell* factors and (ii) a detailed record of the work performed by counsel and costs expended in this matter.

## II. ORDER

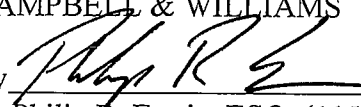
1. IT IS HEREBY ORDERED AND ADJUDGED that CIR's Motion for Attorneys' Fees and Costs is GRANTED.

2. LVMPD shall pay CIR and its counsel \$50,402.89 in attorney's fees and costs within thirty (30) days from the date of this Order.

DATED this 7 day of January, 2019.

  
HON. JUDGE ELIZABETH GONZALEZ

Respectfully submitted by:  
CAMPBELL & WILLIAMS

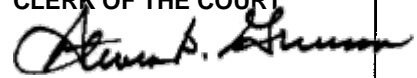
By   
Philip R. Erwin, ESQ. (11563)  
Samuel R. Mirkovich (11662)  
700 South Seventh Street  
Las Vegas, Nevada 89101

*Attorneys for Petitioner*

Approved As To Form By:  
MARQUIS AURBACH COFFING

By REFUSED TO SIGN  
Nick D. Crosby, Esq. (8996)  
Jackie V. Nichols, Esq. (14246)  
10001 Park Run Drive  
Las Vegas, Nevada 89145

*Attorneys for Respondent*



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700 South Seventh Street  
Las Vegas, Nevada 89101  
Telephone: (702) 382-5222  
Facsimile: (702) 382-0540

*Attorneys for Plaintiff*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

THE CENTER FOR INVESTIGATIVE  
REPORTING INC., a California Nonprofit  
Organization,

Petitioner,

vs.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,

Respondent.

CASE NO.: A-18-773883-W  
DEPT. NO.: XI

**NOTICE OF ENTRY OF ORDER**

Please take notice that on the 7<sup>th</sup> day of January, 2019, an Order Granting The Center for Investigative Reporting, Inc.'s Motion for Attorneys' Fees and Costs, was duly entered in the above entitled matter, a copy of which is attached as "Exhibit 1" and by this referenced made part hereof.

DATED this 8<sup>th</sup> day of January, 2019.

CAMPBELL & WILLIAMS

By: /s/ Philip Erwin  
Philip R. Erwin, Esq. (11563)  
Samuel R. Mirkovich, Esq. (11662)  
700 South Seventh Street  
Las Vegas, Nevada 89101

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of Campbell & Williams, and that on this 8<sup>th</sup> day of January, 2019, I caused the foregoing document entitled **NOTICE OF ENTRY ORDER** to be served upon those persons designated by the parties in the E-Service Master List for the above-referenced matter in the Eighth Judicial District Court eFiling System in accordance with the mandatory electronic service requirements of Administrative Order 14-2 and the Nevada Electronic Filing and Conversion Rules.

By: /s/ Lucinda Martinez  
An Employee of Campbell and Williams

**EXHIBIT 1**

**EXHIBIT 1**



1 **ORDER**

2 CAMPBELL & WILLIAMS  
3 PHILIP R. ERWIN, ESQ. (11563)  
4 [pre@cwlawlv.com](mailto:pre@cwlawlv.com)

5 SAMUEL R. MIRKOVICH, ESQ. (11662)  
6 [srm@cwlawlv.com](mailto:srm@cwlawlv.com)

7 700 South Seventh Street  
8 Las Vegas, Nevada 89101  
9 Telephone: (702) 382-5222  
10 Facsimile: (702) 382-0540

11 *Attorneys for Plaintiff*

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 THE CENTER FOR INVESTIGATIVE  
15 REPORTING INC., a California Nonprofit  
16 Organization,

17 Petitioner,

18 vs.

19 LAS VEGAS METROPOLITAN POLICE  
20 DEPARTMENT,

21 Respondent.

CASE NO.: A-18-773883-W  
DEPT. NO.: XI

**ORDER GRANTING THE CENTER FOR  
INVESTIGATIVE REPORTING INC.'S  
MOTION FOR ATTORNEYS' FEES  
AND COSTS**

22 This matter came on for hearing in chambers before the Honorable Elizabeth Gonzalez this  
23 21st day of December, 2018 on Petitioner The Center for Investigative Reporting Inc.'s Motion for  
24 Attorneys' Fees and Costs. The Court, having reviewed the Motion for Attorneys' Fees and Costs  
25 and related briefing, and being fully informed, hereby rules as follows:

26 **I. FINDINGS**

27 1. This matter arose out of the Las Vegas Metropolitan Police Department's  
28 ("LVMPD") noncompliance with the Nevada Public Records Act ("NPRA") in connection with  
The Center for Investigative Reporting Inc.'s ("CIR") requests for public records concerning the

01-07-19A06:33 RCVD

1 murder of Tupac Shakur in Las Vegas, Nevada in September 1996. Because LVMPD maintained  
2 a blanket objection to confidentiality and refused to produce any records beyond a two-page police  
3 report, CIR commenced this action by filing its Petition for Writ of Mandamus (the "Petition")  
4 pursuant to NRS 239.011. Thereafter, the Honorable Joanna Kishner conducted a hearing on CIR's  
5 Petition and stated that LVMPD had failed to meet its burden of demonstrating confidentiality as  
6 required by Nevada law. Following the hearing, LVMPD agreed to produce the requested records  
7 and ultimately provided CIR with approximately 1,400 pages of records and other media related to  
8 Tupac Shakur's murder.  
9

10 2. In Nevada, an award of attorneys' fees is permitted when "allowed by express or  
11 implied agreement or when authorized by statute." *See Schouweiler v. Yancey Co.*, 101 Nev. 827,  
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16 pursuant to NRS 239.011(2) because this lawsuit caused LVMPD to comply with the NPRA. *See*  
17 *Order Regarding The Center for Investigative Reporting, Inc.'s Petition for Writ of Mandamus (on*  
18 *file)*. Based on this finding, CIR submitted its Motion for Attorneys' Fees and Costs.  
19

20 3. LVMPD asserts that a non-prevailing government entity is only subject to an award  
21 of fees and costs under NRS 239.011(2) if it acted in bad faith. LVMPD's argument hinges on its  
22 contention that NRS 239.011(2) must be read in conjunction with NRS 239.012, which provides  
23 that "[a] public officer or employee who acts in good faith in disclosing or refusing to disclose  
24 information and the employer of the public officer or employee are immune from liability for  
25 damages, either to the requestor or to the person to whom the information concerns." Put another  
26 way, LVMPD argues that an award of attorney's fees and costs under NRS 239.011(2) is subsumed  
27 within the "damages" contemplated by the good faith immunity statute of NRS 239.012. LVMPD,  
28



1 in turn, asserts that it acted in good faith in response to CIR's public records requests, which  
2 precludes an award of fees and costs to CIR under NRS 239.011(2).

3 4. The Court finds that LVMPD's attempt to interpolate a good faith requirement in  
4 NRS 239.011(2) is misplaced. Again, NRS 239.011(2) provides that "[i]f the requester prevails,  
5 the requester is entitled to recover his or her costs and reasonable attorney's fees in the proceeding  
6 from the governmental entity whose officer has custody of the book or record." *Id.* In a recent case  
7 involving LVMPD, the Nevada Supreme Court confirmed that "by its plain meaning, [NRS  
8 239.011(2)] grants a requester who prevails in NPRA litigation the right to recover attorney's fees  
9 and costs[.]" *Las Vegas Metro. Police Dep't v. Blackjack Bonding*, 131 Nev. Adv. Op. 10, 343  
10 P.3d 608, 615 (2015). There is no language in NRS 239.11(2) that provides a requesting party is  
11 only entitled to attorney's fees and costs if the governmental entity acted in bad faith. *See Savage*  
12 *v. Pierson*, 123 Nev. 86, 89, 157 P.3d 697, 699 (2007) ("When examining a statute, a purely legal  
13 inquiry, this court should ascribe to its words their plain meaning, unless this meaning was clearly  
14 not intended."). Rather, the requesting party must only "prevail" in order to seek attorney's fees  
15 and costs as CIR did here. *See Order Regarding The Center For Investigate Reporting's Petition*  
16 *for Writ of Mandamus* (on file).

19 5. Nevada law is clear that a statutory award of attorney's fees and costs differs from  
20 special damages in the form of attorney's fees incurred as a result of tortious conduct or a breach  
21 of contract. *See Sandy Valley Assocs. v. Sky Ranch Estates Owners Ass'n*, 117 Nev. 948, 955-57,  
22 956 P.3d 964, 968 (2001) (clarifying Nevada jurisprudence "regarding the difference between  
23 attorney fees as a cost of litigation and attorney fees as an element of damage[.]" and listing cases  
24 where fees were awarded as a cost of litigation or as an element of special damages). CIR is plainly  
25 seeking its attorney's fees as a cost of litigation pursuant to a statute and not as special damages  
26 subject to the pleading requirements of NRCP 9(g). Moreover, unlike other statutory schemes in  
27 Nevada, the NPRA does not expressly define attorney's fees and costs as an element of damages.  
28

1 Cf., *Albos v. Horizon Communities, Inc.*, 122 Nev. 409, 414, 132 P.3d 1022, 1025 (2006) (“Nev.  
2 Rev. Stat. § 40.655 allows constructional defect claimants to recover attorney’s fees and costs as  
3 an element of damages[.]”). Accordingly, the Court finds that an award of attorney’s fees and costs  
4 under NRS 239.011(2) is separate and distinct from the damages addressed by NRS 239.012.

5 6. NRS 239.012 applies to a broader set of circumstances than the narrow fee provision  
6 in NRS 239.011(2). NRS 239.012 immunizes an individual employee from damages for any good  
7 faith response to a public records request whereas NRS 239.011(2) only applies when a requester  
8 prevails in a judicial action to obtain records that were wrongfully withheld by a governmental  
9 entity. Similarly, NRS 239.012 immunizes an individual employee for the disclosure or refusal to  
10 disclose public records, but NRS 239.011(2) is only invoked based on a governmental entity’s  
11 refusal to disclose public records. The Court finds these distinctions also weigh against a finding  
12 that NRS 239.011(2) incorporates the good faith immunity provision contained in NRS 239.012.

13 7. LVMPD’s position conflicts with the underlying policy of the NPRA, which is “to  
14 foster democratic principles by providing members of the public with access to inspect and copy  
15 public books and records to the extent permitted by law.” NRS 239.001(1). In that regard, “the  
16 provisions of the [NPRA] must be construed liberally to carry out this important purpose[.]” and  
17 “[a]ny exemption, exception or balancing of interests which limits or restricts access to public  
18 books and records by members of the public must be construed narrowly.” NRS 239.001(2) and  
19 (3). The Court will not interpret a good faith requirement in NRS 239.011(2) because an expansive  
20 application of the NPRA’s fee provision encourages governmental entities such as LVMPD to  
21 comply with the law. *See, e.g., Frankel v. Dist. of Columbia Office for Planning and Econ. Dev.*, 110  
22 A.3d 553, 557 (D.C. Ct. App. 2015) (adopting broad interpretation of fee provision as it “advances  
23 [the] goals [of D.C. FOIA] by allowing more litigants to recover attorney’s fees and creating an  
24 incentive for the D.C. government to disclose more documents in the first place.”).

1 8. Regardless, to the extent NRS 239.011(2) incorporates the good faith requirement  
2 set forth in NRS 239.012, the Court finds that LVMPD's decision not to comply with CIR's public  
3 records requests was not made in good faith.

4 9. In determining the amount of attorneys' fees and costs to be awarded, the Nevada  
5 Supreme Court ruled in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 345, 455 P.2d 31, 31  
6 (1969), that the following factors are to be considered: (1) *the qualities of the advocate*: his ability,  
7 his training, education, experience, professional standing and skill; (2) *the character of the work to*  
8 *be done*: its difficulty, its intricacy, its importance, time and skill required, the responsibility  
9 imposed and the prominence and character of the parties where they affect the importance of the  
10 litigation, (3) *the work actually performed by the lawyer*: the skill, time and attention given to the  
11 work; (4) *the result*: whether the attorney was successful and what benefits were derived.

12 10. The Court has carefully analyzed the *Brunzell* factors as follows:

13 a) Regarding the qualities of counsel, the Court finds that CIR's counsel are  
14 experienced and skilled litigators in general. The Court further finds that the hourly  
15 rate of \$450 charged by Messrs. Erwin and Mirkovich is consistent with reasonable  
16 community standards for work in similar matters and for firms with similar pedigrees.  
17 The requested rates are also consistent with those sought and/or awarded to CIR's  
18 counsel in previous cases.

19 b) Next, the character of the work performed was high quality and concerned at  
20 least one issue of first impression in this State. This case also involved a dispute  
21 between CIR, a critically acclaimed media outlet, and LVMPD, the primary law  
22 enforcement agency in Southern Nevada, regarding CIR's efforts to obtain information  
23 related to a matter of significant public interest.  
24  
25  
26  
27  
28

c) The Court finds that the work actually performed by CIR's counsel—which included extensive briefing and numerous court appearances—was reasonable, necessary and skillfully accomplished.

d) With respect to the result obtained, the Court has previously detailed its findings that CIR prevailed in this matter and incorporates those findings as if fully set forth herein.

11. The Court finds that CIR has adequately supported its request for attorney's fees with appropriate evidence in the form of (i) a declaration from Philip R. Erwin, Esq., addressing the *Brunzell* factors and (ii) a detailed record of the work performed by counsel and costs expended in this matter.

## II. ORDER

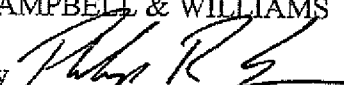
1. IT IS HEREBY ORDERED AND ADJUDGED that CIR's Motion for Attorneys' Fees and Costs is GRANTED.

2. LVMPD shall pay CIR and its counsel \$50,402.89 in attorney's fees and costs within thirty (30) days from the date of this Order.

DATED this 7 day of January, 2019.

  
HON. JUDGE ELIZABETH GONZALEZ

Respectfully submitted by:  
CAMPBELL & WILLIAMS

By   
Philip R. Erwin, ESQ. (11563)  
Samuel R. Mirkovich (11662)  
700 South Seventh Street  
Las Vegas, Nevada 89101

*Attorneys for Petitioner*

Approved As To Form By:  
MARQUIS AURBACH COFFING

By REFUSED TO SIGN  
Nick D. Crosby, Esq. (8996)  
Jackie V. Nichols, Esq. (14246)  
10001 Park Run Drive  
Las Vegas, Nevada 89145

*Attorneys for Respondent*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Mandamus****COURT MINUTES****May 15, 2018**

A-18-773883-W      Center for Investigative Reporting Inc, Plaintiff(s)  
                                  vs.  
                                  Las Vegas Metropolitan Police Department, Defendant(s)

|                     |                |  |  |
|---------------------|----------------|--|--|
| <b>May 15, 2018</b> | <b>9:00 AM</b> | <b>Petition for Writ of<br/>Mandamus</b> | <b>Verified Petition for<br/>Writ of Mandamus<br/>and Incorporated<br/>Application for Order<br/>and Expedited<br/>Hearing Pursuant to<br/>NRS 239.011</b> |
|---------------------|----------------|--|--|

**HEARD BY:** Kishner, Joanna S.**COURTROOM:** RJC Courtroom 12B**COURT CLERK:** Tena Jolley**RECORDER:** Sandra Harrell**REPORTER:****PARTIES**

|                 |                           |          |
|-----------------|---------------------------|----------|
| <b>PRESENT:</b> | Crosby, Nick D            | Attorney |
|                 | Erwin, Philip R., ESQ     | Attorney |
|                 | Mirkovich, Samuel R., ESQ | Attorney |

**JOURNAL ENTRIES**

- The Court disclosed to the parties that an extern will be starting sometime next week and indicated the Court would screen off the extern from handling any Campbell Williams firm's cases to avoid any conflict of interest. Counsel waived any objection based on the limited information provided.

Mr. Erwin argued that the burden is on Metro to make a showing the the law enforcement justifications for confidentiality clearly outweighs the public's interest for disclosure of the records; that the law enforcement justifications are to be construed narrowly in favor of a liberal application; finally the open records act requires redaction and production. Mr. Crosby requested an in camera hearing to hear testimony for purposes of balancing in favor of non-disclosure. Mr. Erwin objected to a closed hearing and requested an opportunity to cross examine the witness; requested that Metro

provide anything they intend to utilize at the hearing, as well as a log of what is being withheld. Mr. Crosby indicated there would be a Table of Content of the File but it is nonspecific. Colloquy regarding scope of the hearing and the preparation prior thereto. COURT ORDERED, matter SET for Sealed Hearing. Counsel to provide a letter to Chambers to identify the length of time required for the hearing and a stipulated confidentiality agreement for sealing and non disclosure - for attorneys eyes only.

5/23/18 10:00 AM SEALED HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Mandamus**

**COURT MINUTES**

**September 13, 2018**

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A-18-773883-W      Center for Investigative Reporting Inc, Plaintiff(s)  
vs.  
Las Vegas Metropolitan Police Department, Defendant(s)

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**September 13, 2018      9:00 AM      Petition for Writ of  
Mandamus**

**HEARD BY:** Kishner, Joanna S.

**COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Tena Jolley

**RECORDER:** Sandra Harrell

**REPORTER:**

**PARTIES**

**PRESENT:** Erwin, Philip R., ESQ      Attorney

**JOURNAL ENTRIES**

- Mr. Erwin indicated that the parties appear to have resolved the contested issues; that the received Metro redacted production, requested additional documents, that tapes were being converted and produced and there would be no need for an in camera review. Mr. Erwin requested an Order granting the Writ and that he would be filing for fees for having to bring the Writ. The Court stated it would need opposing counsel to be present and ORDERED matter CONTINUED. Mr. Erwin indicated the parties may possiblly submit a proposed Order for the Court's consideration.

CONTINUED TO: 9/25/18 9:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Mandamus**

**COURT MINUTES**

**September 25, 2018**

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A-18-773883-W      Center for Investigative Reporting Inc, Plaintiff(s)  
vs.  
Las Vegas Metropolitan Police Department, Defendant(s)

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**September 25, 2018      9:30 AM      Petition for Writ of  
Mandamus**

**HEARD BY:** Kishner, Joanna S.

**COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Tena Jolley

**RECORDER:** Sandra Harrell

**REPORTER:**

**PARTIES**

**PRESENT:**      Crosby, Nick D      Attorney  
                         Erwin, Philip R., ESQ      Attorney

**JOURNAL ENTRIES**

- Mr. Erwin indicated he and Mr. Crosby had been working towards a resolution but that communications had broken down and there remains an outstanding issue as to attorney's fees. Mr. Erwin suggested the parties submit competing briefs on the issue. Mr. Crosby stated they disagree as to the term "prevailing party" and was agreeable to submitting supplemental briefs. Colloquy regarding simultaneous briefing and possible further oral argument. The Court DIRECTED counsel to submit a letter to the Court as to the agreed upon date for simultaneous briefing and, if further oral argument is requested, counsel's availability for further argument on a Tuesday or Thursday at 9:30 a.m. the week after the submissions. COURT ORDERED matter SET for Status Check in Chambers regarding receipt of counsel's letter.

9/28/18 (CHAMBERS) STATUS CHECK: LETTER FROM COUNSEL WITH SIMULTANEOUS BRIEFING DATE AND IF ORAL ARGUMENT IS REQUESTED REGARDING PREVAILING PARTY RE WRIT



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Mandamus**

**COURT MINUTES**

**September 28, 2018**

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A-18-773883-W      Center for Investigative Reporting Inc, Plaintiff(s)  
vs.  
Las Vegas Metropolitan Police Department, Defendant(s)

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**September 28, 2018      3:00 AM      Status Check**

**HEARD BY:** Kishner, Joanna S.

**COURTROOM:** Chambers

**COURT CLERK:** Tena Jolley

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Status check for supplemental briefs and proposed Findings of Fact and Conclusions of Law SET for 10/19/18 in Chambers.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Mandamus**

**COURT MINUTES**

**October 30, 2018**

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A-18-773883-W      Center for Investigative Reporting Inc, Plaintiff(s)  
vs.  
Las Vegas Metropolitan Police Department, Defendant(s)

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**October 30, 2018      9:00 AM      Hearing**

**HEARD BY:** Gonzalez, Elizabeth      **COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**      Erwin, Philip R., ESQ      Attorney  
                         Nichols, Jacqueline      Attorney

**JOURNAL ENTRIES**

- Court noted this case was transferred to its docket after arguments, after supplemental briefing, and apparently after submission of proposed findings of fact and conclusions of law. Court further noted it has read the briefing but not the transcripts, and inquired if there was anything that has not been produced subject to the petition that counsel is still seeking. Mr. Erwin stated, no. Court further inquired whether counsel contends Metro has changed their process as a result of the petition. Mr. Erwin stated he contends that Metro has started following the law. Court noted parties are then basically arguing attorney's fees today. Ms. Nichols argued as to what they need to address; supplemental briefing was done to determine the prevailing party under the NPRA to be able to seek attorney's fees. Court noted "prevailing party" is different from "prevails."

Following arguments by counsel, COURT FINDS it does not appear Metro initially complied with the public records request and after the filing of the petition and original argument did attempt to comply and through the work of counsel working together produced a satisfactory amount of documents for the Petitioner. For that reason, it appears to the Court in this particular case that the Petitioner PREVAILED in this action.

With regards to attorney's fees, COURT DIRECTED counsel to file a motion.

Mr. Erwin to prepare today's order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Mandamus**

**COURT MINUTES**

**December 21, 2018**

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A-18-773883-W      Center for Investigative Reporting Inc, Plaintiff(s)  
vs.  
Las Vegas Metropolitan Police Department, Defendant(s)

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**December 21, 2018      3:00 AM      Motion for Attorney Fees  
and Costs**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** Chambers

**COURT CLERK:** Dulce Romea

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- The Court having reviewed the Motion for Attorney's Fees and the related briefing and being fully informed, GRANTS the motion. The decision to not comply with the public records request was not made in good faith. After evaluation of the Brunzell factors, all weigh in favor of the award requested by Movant in the reply brief in amount of \$50,402.89 and costs in the amount of \$20.65. As no memorandum of costs has been filed, the Counsel for Movant is directed to submit a proposed order consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order or judgment.

CLERK'S NOTE: A copy of this minute order was distributed to the parties via the E-Service List. / dr  
12-24-18

# 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):

RESPONDENT LAS VEGAS METROPOLITAN POLICE DEPARTMENT'S  
NOTICE OF APPEAL; RESPONDENT LAS VEGAS METROPOLITAN POLICE DEPARTMENT'S  
CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET;  
ORDER GRANTING THE CENTER FOR INVESTIGATIVE REPORTING INC.'S MOTION FOR  
ATTORNEYS' FEES AND COSTS; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES

THE CENTER FOR INVESTIGATIVE  
REPORTING, INC.,

Plaintiff(s),

vs.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,

Defendant(s),

Case No: A-18-773883-W

Dept No: XXXI

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 17 day of January 2019.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk