



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
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LAS VEGAS, NEVADA 89155-1160
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Steven D. Grierson
Clerk of the Court

Electronically Filed
Jun 18 2019 12:09 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
Annabelle Neumann Miller
Court Division Administrator

June 18, 2019

Tracie Lindeman
Clerk of the Supreme Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: LAS VEGAS REVIEW-JOURNAL vs. LAS VEGAS METROPOLITAN POLICE DEPARTMENT
S.C. CASE: 78967
D.C. CASE: A-18-775378-W

Dear Ms. Lindeman:

On June 6, 2019 we submitted a Notice of Appeal, filed June 5, 2019, for the above referenced case. The minutes for May 22, 2019 were inadvertently left out. Enclosed is a copy of the minutes dated May 22, 2019.

If you have any questions regarding this matter, please contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

A handwritten signature in black ink, appearing to read "Heather Ungermann", with a long horizontal stroke extending to the right.

Heather Ungermann, Deputy Clerk

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

May 22, 2019

A-18-775378-W Las Vegas Review-Journal, Plaintiff(s)
vs.
Las Vegas Metropolitan Police Department, Defendant(s)

May 22, 2019 **9:00 AM** **Hearing**

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Kristin Duncan

RECORDER: Matt Yarbrough

REPORTER:

PARTIES

PRESENT:	Crosby, Nick D	Attorney
	McLetchie, Margaret A.	Attorney
	Nichols, Jacqueline	Attorney
	Shell, Alina	Attorney

JOURNAL ENTRIES

- The Court noted that it had reviewed the supplemental pleadings, and inquired as to whether the parties had met and conferred in person, subsequent to the submittal of the supplemental briefing. Ms. Shell noted that the parties had not held a final meet and confer in the interim between filing the supplemental briefing and the instant hearing. Additionally, Ms. Shell argued that, the Court must look at the Nevada Public Records Act (NPRa), and determine whether Metro's interests outweighed the public's right to see the records of a government entity. Additionally, Ms. Shell argued that, if Metro was not penalized for their failure to comply, that would render compliance optional; NRS 239.0107 cited. Ms. Nichols argued that the Review Journal's (LVRJ) request remained burdensome, as Metro would have to obtain records from multiple divisions, and there was no way to assert privilege or confidentiality within the five (5) days required by NRS 239.0107. The Court noted its concern regarding any monetary award or relief in favor of LVRJ and against Metro, as the payment of said award / relief would ultimately fall on the Nevada taxpayers. Upon Court's inquiry regarding whether additional supplemental briefing should be submitted, Ms. Nichols argued that further supplemental briefing would unnecessarily waste time and money. The COURT ORDERED and FOUND the following: (1) Metro had the right to file a Writ; however, doing so necessarily

resulted in the expenditure of additional time and money, which made their argument against supplemental briefing difficult to accept; (2) the parties shall be REQUIRED to formally meet and confer IN PERSON, in good faith, prior to June 12, 2019; (3) the meeting can be held with only the attorneys present, and shall be held for the purpose of determining whether the parties were able to come to an agreement regarding the issues on which the Court would be deferring its ruling; (4) there being no "secret witness" complaints as of eight years ago, their production shall not be ordered; (5) to the extent that any of the Court's prior rulings on burden applied, there was no reason to deviate from those rulings; therefore, those rulings would all apply to the instant ruling; (6) the records being requested by LVRJ were public records, and Metro had the burden of showing that redactions / non-productions were appropriate; (7) to the extent there were documents that were not produced, and were being withheld on any kind of confidentiality issue, Metro shall be required to provide LVRJ with a privilege log; (8) the Court shall review IN CAMERA the agendas, and Metro shall provide those directly to chambers no later than May 29, 2019; (9) the action meeting documents shall be produced no later than June 7, 2019; if any redactions were made, LVRJ would need to determine whether they agreed with the redactions; (10) in accordance with its prior rulings regarding waiver, the Court continued to find that there has not been a waiver; even if the Court found bad faith, a waiver would not apply; (11) NAC 284.718 did not apply in the instant case, as set forth by the Blackjack Bonding case; (12) Freedom of Information Act (FOIA) cases could be used, and could be applicable as to providing guidance; however, certain provisions in FOIA, such as exemption 6, that were not contained in the NPRA; and (13) regarding the personnel records being sought, the Court believed that redactions of personal identifying information such as badge numbers, names, salaries, etc., could be redacted, which would address Metro's privacy concerns; however, said issue would be subject to additional discussions at the meet and confer.

The COURT noted that the instant ruling was WITHOUT PREJUDICE, and was subject to revision, until such time as a final judgment was entered.

Ms. Shell and Ms. McLetchie to prepare the Order in a timely fashion, and forward to Ms. Nichols for approval as to form and content.

COURT ORDERED a status check regarding the result of the meet and confer, was hereby SET.

6/19/19 9:00 AM STATUS CHECK: MEET AND CONFER