

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

CLARK COUNTY OFFICE OF THE  
CORONER/MEDICAL EXAMINER,

Appellant,

vs.

LAS VEGAS REVIEW-JOURNAL,  
INC.,

Respondent.

Electronically Filed  
Dec 24 2020 01:02 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

SUPREME COURT CASE NO.:  
82229

DISTRICT COURT CASE NO.:  
A-17-758501-W

**MOTION FOR LEAVE TO FILE RESPONSE IN EXCESS OF  
PAGE/TYPE VOLUME LIMITATION**

Respondent Las Vegas Review-Journal, Inc. (the “Review-Journal”), by and through its counsel, Margaret A. McLetchie, hereby moves this Court, pursuant to Nevada Rule of Appellate Procedure (“NRAP”) 32(a)(7)(D), to file an Opposition to the Clark County Office of the Coroner/ Medical Examiner’s December 17, 2020 Emergency Motion for Relief Under NRAP 27(e) that exceeds the ten-page limit imposed by NRAP 27(d)(2).

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Due to the substantial harm a stay would cause the Review-Journal and the public, the Review-Journal required excess pages to adequately respond to the arguments presented in the Emergency Motion. This Motion is supported by the attached declaration of counsel.

DATED this the 24<sup>th</sup> day of December, 2020.

/s/ Margaret A. McLetchie

Margaret A. McLetchie, Nevada Bar No. 10931

MCLEATCHIE LAW

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*Counsel for Respondent, Las Vegas Review-Journal, Inc.*

**DECLARATION OF MARGARET A. MCLETCHIE**

STATE OF NEVADA                    )  
  ) ss.  
COUNTY OF CLARK                )

I, Margaret A. McLetchie, declare, pursuant to Nev. Rev. Stat. § 53.330, as follows:

1. I am lead counsel for Respondent the Las Vegas Review-Journal, Inc. (the “Review-Journal”) in this matter. I have personal knowledge of all matters contained herein and am competent to testify thereto.

2. Since 2017, the Review-Journal has been engaged in litigation pursuant to the Nevada Public Records Act, Nev. Rev. Stat. § 239.001, *et seq.* (the “NPRA”) to obtain access to juvenile autopsy reports in the custody of the Clark County Office of the Coroner/Medical Examiner (the “Coroner”).

3. On February 27, 2020, this Court entered an opinion in *Clark County Office of the Coroner/Medical Examiner v. Las Vegas Review-Journal*, 136 Nev. 44, 458 P.3d 1048 (2020), the Coroner’s first appeal in this NPRA matter. In that opinion, the Court rejected the bulk of the Coroner’s claims of confidentiality. *See generally id.* The Court did find, however, that the Coroner had established that the requested records may implicate a non-trivial personal privacy interest and therefore remanded the matter to the district court to apply the test adopted by the Court in *Clark Cty. Sch. Dist. v. Las Vegas Review-Journal*, 134 Nev. 700, 708, 429 P.3d

313, 320 (2018) to assess whether the public interest the Review-Journal seeks to advance is significant one, and that the information sought will advance that interest. *Coroner*, 136 Nev. at 57, 458 P.3d at 1059.

4. Following briefing and argument by the parties on remand, the district court entered an order on November 20, 2020, finding that the multiple significant public interests the Review-Journal seeks to advance by access to the autopsy reports outweighed the Coroner's privacy concerns and directing the Coroner to produce unredacted versions of the autopsy reports to the Review-Journal.

5. On December 17, 2020, the Coroner's Office filed an Emergency Motion for Stay Under NRAP 27(e) ("Motion for Stay") asking this Court to stay enforcement of the district court's November 20, 2020 order.

6. Pursuant to Nevada Rule of Appellate Procedure 27(d)(2), a response to a motion may not exceed 10 pages absent leave from this Court.

7. In preparing the proposed Opposition to the Coroner's Emergency Motion for Stay, which I have been working on diligently since receiving the Emergency Motion, I endeavored to present the arguments as succinctly as possible. However, given the extensive procedural history of this case, the importance of addressing to address the arguments presented in the Motion for Stay, and the importance of access to public records, I required more than the 10-page limit set by Nev. R. App. P. 27(d)(2). The attached proposed opposition is twenty (20) pages.

8. I required these additional pages to adequately address the complex history of this case, and to respond to each of the Coroner's arguments regarding the propriety of staying the district court's order.

9. I believe that any reduction to this Opposition would materially detract from the Review-Journal's presentation of its response to the arguments presented by the Coroner in its Motion for Stay. This case is a very important one to the Review-Journal due to its desire to obtain records to aid its investigative reporting, and due to the fact that the Review-Journal has been locked in litigation for over three years to obtain the requested reports. More importantly, this case has broader ramifications. The Coroner's efforts to stay the district court's November 20, 2020, order raise important questions regarding public policy, and important public policy is implicated in this NPRA matter. *See Nev. Rev. Stat. § 239.001(1)*. Moreover, the Coroner's efforts to delay access to the requested autopsy reports harm the public interest in access to records pertaining to juvenile deaths.

10. I therefore respectfully request that this Court grant the Review-Journal leave to file a Response in excess of the normal page limitations.

11. This Motion is not made for the purposes of delay, or any other improper purpose, but only to ensure that I provide competent and effective representation to the Review-Journal. *See Nev. R. Prof. Conduct 1.1*.

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I certify under the penalty of perjury that the foregoing is true and correct.

EXECUTED this the 24<sup>th</sup> day of December, 2020.

/s/ Margaret A. McLetchie

Margaret A. McLetchie, Nevada Bar No. 10931

Alina M. Shell, Nevada Bar No. 11711

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*Counsel for Respondent, Las Vegas Review-Journal, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing MOTION FOR LEAVE TO FILE RESPONSE IN EXCESS OF PAGE/TYPE VOLUME LIMITATION was filed electronically with the Nevada Supreme Court on the 24<sup>th</sup> day of December, 2020. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

Steven B. Wolfson and Laura Rehfeldt  
**Clark County District Attorney's Office**

Craig R. Anderson and Jackie Nichols  
**Marquis Aurbach Coffing**

*Counsel for Appellant,  
Clark County Office of the Coroner/Medical Examiner*

/s/ Pharan Burchfield  
Employee of McLetchie Law