

1 **NOAS**

2 MARGARET A. MCLEATCHIE, Nevada Bar No. 10931

3 ALINA M. SHELL, Nevada Bar No. 11711

4 **MCLEATCHIE LAW**

5 701 E. Bridger Avenue, Suite 520

6 Las Vegas, NV 89101

Telephone: (702) 728-5300; Fax: (702) 425-8220

Email: maggie@nvlitigation.com

Counsel for Petitioner Las Vegas Review-Journal

Electronically Filed
May 14 2021 01:11 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

7 **EIGHTH JUDICIAL DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 LAS VEGAS REVIEW-JOURNAL,

Case No.: A-17-758501-W

10 Petitioner,

Dept. No.: XXIX

11 vs.

12
13 CLARK COUNTY OFFICE OF THE
14 CORONER/MEDICAL EXAMINER,

NOTICE OF APPEAL

15 Respondent.

16 PLEASE TAKE NOTICE that Petitioner Las Vegas Review-Journal (the “Review-
17 Journal”), pursuant to Nevada Rule of Appellate Procedure 4(a)(1), hereby timely appeals to
18 the Supreme Court of Nevada from the Order Granting Petitioner Las Vegas Review-
19 Journal’s Amended Motion for Attorney’s Fees and Costs entered in this case on April 8,
20 2021.

21 DATED this 7th day of May, 2021.

22
23 /s/ Margaret A. McLetchie

24 MARGARET A. MCLEATCHIE, Nevada Bar No. 10931

25 ALINA M. SHELL, Nevada Bar No. 11711

26 **MCLEATCHIE LAW**

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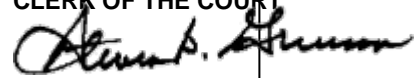
Counsel for Petitioner, Las Vegas Review-Journal

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of May, 2021, pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, I did cause a true copy of the foregoing NOTICE OF APPEAL in *Las Vegas Review-Journal v. Clark County Office of the Coroner/Medical Examiner*, Eighth Judicial District Court Case No. A-17-758501-W, to be served electronically using the Odyssey File&Serve system, to all parties with an email address on record.

/s/ Pharan Burchfield

An Employee of McLetchie Law



1 **ASTA**
2 MARGARET A. MCLEATCHIE, Nevada Bar No. 10931
3 ALINA M. SHELL, Nevada Bar No. 11711
4 **MCLEATCHIE LAW**
5 701 E. Bridger Avenue, Suite 520
6 Las Vegas, NV 89101
7 Telephone: (702) 728-5300; Fax: (702) 425-8220
8 Email: maggie@nvlitigation.com
9 *Counsel for Petitioner Las Vegas Review-Journal*

7 **EIGHTH JUDICIAL DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 LAS VEGAS REVIEW-JOURNAL,
10
11

11 Petitioner,
12

12 vs.
13

13 CLARK COUNTY OFFICE OF THE
14 CORONER/MEDICAL EXAMINER,
15

15 Respondent.
16

Case No.: A-17-758501-W

Dept. No.: XXIX

CASE APPEAL STATEMENT

- 17 1. *Name of appellant filing this case appeal statement:*
18 Petitioner Las Vegas Review-Journal
19 2. *Identify the judge issuing the decision, judgment, or order appealed from:*
20 The Honorable David M. Jones, District Court Judge.
21 3. *Identify each appellant and the name and address of counsel for each appellant:*

22 Margaret A. McLetchie, Nevada Bar No. 10931
23 Alina M. Shell, Nevada Bar No. 11711
24 **MCLEATCHIE LAW**
25 701 East Bridger Ave., Suite 520
26 Las Vegas, NV 89101
27 *Counsel for Petitioner Las Vegas Review-Journal*
28

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4. *Identify each respondent and the name and address of appellate counsel, if known, for each respondent:*

Craig R. Anderson, Nevada Bar No. 6882
Jackie V. Nichols, Nevada Bar No. 14246
MARQUIS AURBACH COFFING
10001 Park Run Drive
Las Vegas, NV 89145

Steven B. Wolfson, Nevada Bar No. 1565
Laura C. Rehfeldt, Nevada Bar No. 5101
CLARK COUNTY DISTRICT ATTORNEY'S OFFICE
500 S. Grand Central Pkwy., 5th Floor
P.O. Box 552215
Las Vegas, NV 89155-2215
Counsel for Respondent Clark County Office of the Coroner/Medical Examiner

5. *Indicate whether any attorney identified above in 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 (and attach a copy of any District Court order granting such permission):*

Not applicable. All attorneys are licensed in Nevada.

6. *Indicate whether appellant was represented by appointed or retained counsel in the District Court:*

Appellant was represented by retained counsel in the district court.

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

Retained counsel.

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:*

No.

9. *Indicate the date the proceedings commenced in the District Court, e.g., the date the complaint, indictment, information, or petition was filed:*

The Petition for Writ of Mandamus in this action was filed on July 17, 2017.

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:*

The underlying action involves a public records request under NRS 239.011 by the Las Vegas Review-Journal (the “Review-Journal”) to the Clark County Coroner/Medical Examiner (“Coroner”) for reports of autopsies of children from January 2012 to April 2017. The matter was briefed and heard before the Eighth Judicial District Court, Department XXIV. On November 9, 2017, an Order Granting Petitioner Review-Journal’s Public Records Act Application to Nev. Rev. Stat. § 239.001/Petition for Writ of Mandamus was entered granting the relief requested in the Petition and requiring that the autopsy reports be provided on a rolling basis, but no later than December 28, 2017. The Coroner appealed this ruling to the Nevada Supreme Court (Case 74604). On November 29, 2017, the Review-Journal filed a Motion for Attorney’s Fees and Costs. The matter was briefed and heard by the District Court, and on January 11, 2018, the District Court granted the motions and ordered Coroner to pay \$31,552.50 in attorney’s fees and \$825.02 in costs to the Review-Journal. The Coroner appealed this ruling to the Nevada Supreme Court (Case 75095). The Order on Remand was entered on November 11, 2020. On February 2, 2021, the Review-Journal filed an Amended Motion for Attorney’s Fees and Costs seeking \$275,640.00 in attorney’s fees and \$3,581.48 in costs. The District Court conducted a hearing on the Review-Journal’s Amended Motion on March 2, 2021. While the Court did grant the Amended Motion, it discounted the Review-Journal’s attorney’s fees and costs and ordered Coroner to pay the Review-Journal only \$167,200.00 in attorney’s fees and \$2,472.99 in costs. The Review-Journal is thus appealing the Order Granting Petitioner Las Vegas Review-Journal’s Amended Motion for Attorney’s Fees and Costs entered in this case on April 8, 2021.

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

Clark County Office of the Coroner/Medical Examiner v. Las Vegas Review-Journal, Nevada Supreme Court Case No. 74604;

Clark County Office of the Coroner/Medical Examiner v. Las Vegas Review-Journal, Nevada Supreme Court Case No. 75095; and

Clark County Office of the Coroner/Medical Examiner v. Las Vegas Review-Journal, Nevada Supreme Court Case No. 82229.

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

This appeal does not involve child custody or visitation.

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

The Review-Journal does not believe this appeal involves the possibility of settlement.

DATED this 7th day of May, 2021.

/s/ Margaret A. McLetchie

MARGARET A. MCLETSCHIE, Nevada Bar No. 10931

ALINA M. SHELL, Nevada Bar No. 11711

MCLETSCHIE LAW

701 E. Bridger Avenue, Suite 520

Las Vegas, NV 89101

Telephone: (702) 728-5300; Fax (702) 728-5300

Email: maggie@nvlitigation.com

Counsel for Petitioner, Las Vegas Review-Journal

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of May, 2021, pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, I did cause a true copy of the foregoing CASE APPEAL STATEMENT in *Las Vegas Review-Journal v. Clark County Office of the Coroner/Medical Examiner*, Eighth Judicial District Court Case No. A-17-758501-W, to be served electronically using the Odyssey File&Serve system, to all parties with an email address on record.

/s/ Pharan Burchfield
An Employee of McLetchie Law

CASE SUMMARY

CASE NO. A-17-758501-W

Las Vegas Review-Journal, Plaintiff(s)

vs.

Clark County Office of the Coroner/ Medical Examiner,
Defendant(s)§
§
§
§
§
§
§

Location: **Department 29**
 Judicial Officer: **Jones, David M**
 Filed on: **07/17/2017**
 Case Number History:
 Cross-Reference Case Number: **A758501**
 Supreme Court No.: **74604**
75095
82229

CASE INFORMATION

Statistical Closures

11/09/2017 Stipulated Judgment

Case Type: **Writ of Mandamus**Case Status: **04/14/2020 Reactivated**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-17-758501-W
 Court Department 29
 Date Assigned 01/12/2021
 Judicial Officer Jones, David M

PARTY INFORMATION

Plaintiff Las Vegas Review-Journal

Lead Attorneys
McLetchie, Margaret A.
Retained
 702-728-5300(W)

Defendant Clark County Office of the Coroner/ Medical Examiner

Rehfeldt, Laura C
Retained
 702-455-4761(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

07/17/2017



Petition

Filed by: Plaintiff Las Vegas Review-Journal
Public Records Act Application Pursuant to NRS 239.001/ Petition for Writ of Mandamus Expedited Matter Pursuant to Nev. Rev. Stat. 239.011

07/17/2017



Exhibits

Filed By: Plaintiff Las Vegas Review-Journal
Appendix of Exhibits in Support of Public Records Act Application Pursuant to NRS 239.001/ Petition for Writ of Mandamus Expedited Matter Pursuant to Nev. Rev. Stat. 239.011

07/17/2017



Initial Appearance Fee Disclosure

Filed By: Plaintiff Las Vegas Review-Journal
Initial Appearance Fee Disclosure (NRS Chapter 19)













07/18/2017



Summons

Filed by: Plaintiff Las Vegas Review-Journal
Summons - Civil

CASE SUMMARY
CASE NO. A-17-758501-W

08/04/2017	 Stipulation and Order Filed by: Plaintiff Las Vegas Review-Journal <i>Stipulation and Order Regarding Briefing Schedule</i>
08/04/2017	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Review-Journal <i>Notice of Entry of Order</i>
08/17/2017	 Memorandum Filed By: Plaintiff Las Vegas Review-Journal <i>Memorandum in Support of Application Pursuant to Nev. Rev. Stat. 239.001/ Petition for Writ of Mandamus/ Application for Declaratory and Injunctive Relief</i>
08/17/2017	 Declaration Filed By: Plaintiff Las Vegas Review-Journal <i>Attorney Margaret A. McLetchie's Declaration in Support of Memorandum in Support of Application Pursuant to Nev. Rev. Stat. 239.001/ Petition for Writ of Mandamus/ Application for Declaratory and Injunctive Relief</i>
08/30/2017	 Response Filed by: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Response to Petition and Memorandum Supporting Writ for Mandamus for Access to Autopsy Reports of Juvenile Deaths</i>
09/07/2017	 Reply Filed by: Plaintiff Las Vegas Review-Journal <i>Reply to Response to Petition and Memorandum in Support of Application Pursuant to Nev. Rev. Stat. 239.001/Petition for Writ of Mandamus/ Application for Declaratory and Injunctive Relief</i>
09/25/2017	 Supplement Filed by: Plaintiff Las Vegas Review-Journal <i>Supplement to Reply to Response to Petition and Memorandum in Support of Application Pursuant to Nev. Rev. Stat. 239.001/Petition for Writ of Mandamus/ Application for Declaratory and Injunctive Relief</i>
11/09/2017	 Order Filed By: Plaintiff Las Vegas Review-Journal <i>Order Granting Petitioner LVRJ's Public Records Act Application Pursuant to Nev. Rev. Stat. 239.001/ Petition for Writ of Mandamus</i>
11/09/2017	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Review-Journal <i>Notice of Entry of Order</i>
11/28/2017	 Notice of Appeal Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Notice of Appeal</i>
11/28/2017	 Case Appeal Statement Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Case Appeal Statement</i>
11/29/2017	 Motion for Attorney Fees and Costs Filed By: Plaintiff Las Vegas Review-Journal

CASE SUMMARY
CASE NO. A-17-758501-W

Petitioner Las Vegas Review-Journal's Motion for Attorney's Fees and Costs

11/29/2017	 Motion to Stay Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Defendant's Motion for Stay of District Court Order and Order Shortening Time</i>
12/06/2017	 Opposition to Motion Filed By: Plaintiff Las Vegas Review-Journal <i>Petitioner Las Vegas Review-Journal's Opposition to Motion for Stay of District Court Order and Order Shortening Time</i>
12/08/2017	 Reply to Opposition Filed by: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Reply to Petitioner Las Vegas Review Journal s Opposition to Motion for Stay of District Court Order and Order Shortening Time</i>
12/14/2017	 Opposition to Motion Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Respondent's Opposition to Las Vegas Review-Journal's Motion for Attorneys' Fees and Costs</i>
01/04/2018	 Reply to Opposition Filed by: Plaintiff Las Vegas Review-Journal <i>Reply to Respondent's Opposition to Motion for Attorney's Fees and Costs</i>
01/11/2018	 Order Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>[Order] Granting Defendant's Motion for Stay of District Court Order and Order Shortening Time</i>
01/12/2018	 Notice of Entry of Order Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Notice of Entry of Order</i>
01/29/2018	 Motion to Stay Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Respondent's Motion for Stay of District Court Order and Order Shortening Time</i>
02/01/2018	 Order Filed By: Plaintiff Las Vegas Review-Journal <i>Order Granting Petitioner Las Vegas Review-Journal's Motion for Attorney's Fees and Costs</i>
02/01/2018	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Review-Journal <i>Notice of Entry of Order</i>
02/01/2018	 Request Filed by: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Request for Transcript of Proceedings</i>
02/05/2018	 Notice of Appeal Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Notice of Appeal</i>
02/05/2018	 Case Appeal Statement

CASE SUMMARY
CASE NO. A-17-758501-W

	Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Case Appeal Statement</i>
02/12/2018	 Motion to Stay Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Respondent's Renewed Motion for Order Shortening Time on Motion for Stay of District Court Order</i>
02/13/2018	 Opposition to Motion Filed By: Plaintiff Las Vegas Review-Journal <i>Opposition to Renewed Motion for Order Shortening Time On Motion for Stay of District Court Order</i>
02/13/2018	 Supplement Filed by: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Supplement to Respondent's Renewed Motion for Order Shortening Time on Motion for Stay of District Court Order</i>
02/13/2018	 Notice of Appearance Party: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Notice of Appearance</i>
03/07/2018	 Order Denying Motion Filed By: Plaintiff Las Vegas Review-Journal <i>Order Denying Respondent's Renewed Motion on Order Shortening Time for Stay of District Court Order</i>
03/07/2018	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Review-Journal <i>Notice of Entry of Order</i>
10/16/2018	 Notice of Change of Firm Name Filed By: Plaintiff Las Vegas Review-Journal <i>Notice of Change of Firm Name</i>
04/01/2020	 NV Supreme Court Clerks Certificate/Judgment - Affd/Rev Part <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed in Part, Reversed in Part and Remand (Docket No. 74604); Vacated (Docket NO. 75095)</i>
04/17/2020	 Notice of Appearance Party: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Notice of Appearance and Change of Counsel</i>
06/01/2020	 Stipulation and Order Filed by: Plaintiff Las Vegas Review-Journal <i>STIPULATION AND ORDER REGARDING BRIEFING SCHEDULE</i>
06/02/2020	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Las Vegas Review-Journal <i>Notice of Entry of Stipulation and Order Regarding Briefing Schedule</i>
07/20/2020	 Stipulation and Order Filed by: Plaintiff Las Vegas Review-Journal <i>Stipulation And Order Extending the Briefing Schedule</i>

CASE SUMMARY
CASE NO. A-17-758501-W

07/20/2020	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Las Vegas Review-Journal <i>Notice of Entry of Stipulation and Order Extending Briefing Schedule</i>
08/27/2020	 Petitioners Opening Brief Filed by: Plaintiff Las Vegas Review-Journal <i>Petitioner's Opening Brief on Remand</i>
09/27/2020	 Stipulation and Order Filed by: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Stipulation and Order Extending the Briefing Schedule</i>
09/28/2020	 Notice of Entry of Stipulation and Order Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Notice of Entry of Stipulation and Order</i>
10/07/2020	 Answering Brief Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Respondent Clark County Office of the Coroner/Medical Examiner s Answering Brief</i>
10/22/2020	 Petitioner's Reply Brief Filed by: Plaintiff Las Vegas Review-Journal <i>Petitioner's Reply in Support of Petitioner's Opening Brief on Remand</i>
11/04/2020	 Records Transcript of Hearing <i>Recorders Transcript of Hearing Re:</i>
11/20/2020	 Motion to Stay Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Respondent Clark County Office of the Coroner/Medical Examiner s Motion to Stay on an Order Shortening Time</i>
11/20/2020	 Order Filed By: Plaintiff Las Vegas Review-Journal <i>Order on Remand</i>
11/20/2020	 Order Shortening Time Filed By: Plaintiff Las Vegas Review-Journal <i>Respondent Clark County of the Oorner/ Medical Examiner's Motion to Stay on and Order Shortening Time</i>
11/20/2020	 Notice of Entry of Order Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Notice of Entry of Respondent Clark County Office of the Coroner/Medical Examiner s Motion to Stay on an Order Shortening Time</i>
11/20/2020	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Review-Journal <i>Notice of Entry of Order on Remand</i>
11/24/2020	 Clerk's Notice of Nonconforming Document <i>Clerk's Notice of Nonconforming Document</i>
11/30/2020	 Opposition

CASE SUMMARY
CASE NO. A-17-758501-W

	Filed By: Plaintiff Las Vegas Review-Journal <i>Opposition to Motion to Stay on an Order Shortening Time</i>
12/07/2020	 Reply in Support Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Respondent Clark County Office of the Coroner/Medical Examiner's Reply in Support of Motion to Stay on an Order Shortening Time</i>
12/08/2020	 Order Shortening Time Filed By: Plaintiff Las Vegas Review-Journal <i>Petitioner Las Vegas Review- Journal's Motion for Order to Show Cause on an Order Shortening Time</i>
12/08/2020	 Notice of Entry Filed By: Plaintiff Las Vegas Review-Journal <i>Notice of Entry of Motion for an Order to Show Cause on an Order Shortening Time</i>
12/09/2020	 Opposition to Motion Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Respondent Clark County Office of the Coroner/Medical Examiner's Opposition to Petitioner Las Vegas Review-Journal's Motion for Order to Show Cause on Order Shortening Time</i>
12/11/2020	 Memorandum of Costs and Disbursements Filed By: Plaintiff Las Vegas Review-Journal <i>Memorandum of Costs and Disbursements</i>
12/11/2020	 Motion for Attorney Fees and Costs Filed By: Plaintiff Las Vegas Review-Journal <i>Petitioner Las Vegas Review-Journal's Supplemental Motion for Attorney s Fees and Costs</i>
12/14/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
12/15/2020	 Recorders Transcript of Hearing <i>Recorders Transcript of Hearing Re: 12/10/20</i>
12/15/2020	 Notice of Appeal Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Notice of Appeal</i>
12/15/2020	 Case Appeal Statement <i>Case Appeal Statement</i>
12/23/2020	 Order Denying Motion Filed By: Plaintiff Las Vegas Review-Journal <i>ORDER DENYING RESPONDENT CLARK COUNTY OFFICE OF THE CORONER/MEDICAL EXAMINER'S MOTION TO STAY ON ORDER SHORTENING TIME</i>
12/24/2020	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Review-Journal <i>Notice of Entry of Order Denying Respondent Clark County Office of the Coroner/Medical Examiner s Motion for Stay on an Order Shortening Time</i>
12/28/2020	 Opposition

CASE SUMMARY
CASE NO. A-17-758501-W

	<p>Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Respondent Clark County Office of the Coroner/Medical Examiner's Opposition to Petitioner Las Vegas Review-Journal's Supplemental Motion for Attorney's Fees and Costs</i></p>
12/30/2020	<p> Order Denying Motion Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Order Denying Petitioner Las Vegas Review Journal's Motion to Order to Show Cause on Order Shortening Time</i></p>
01/04/2021	<p>Case Reassigned to Department 8 <i>Judicial Reassignment to Judge Jessica K. Peterson</i></p>
01/04/2021	<p> Notice of Entry of Order Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Notice of Entry of Order Denying Petitioner Las Vegas Review-Journal s Motion for Order to Show Cause on Order Shortening Time</i></p>
01/07/2021	<p> Peremptory Challenge Filed by: Plaintiff Las Vegas Review-Journal <i>Peremptory Challenge of a Judge</i></p>
01/12/2021	<p> Notice of Department Reassignment <i>Notice of Department Reassignment</i></p>
01/27/2021	<p> Stipulation and Order <i>Stipulation and Order to Supplement Motion for Attorney s Fees and Costs and Set Briefing Schedule</i></p>
01/27/2021	<p> Notice of Entry of Stipulation and Order Filed By: Plaintiff Las Vegas Review-Journal <i>Notice of Entry of Stipulation and Order to Supplement Motion for Attorney s Fees and Costs and Setting a Briefing Schedule</i></p>
02/02/2021	<p> Memorandum of Costs and Disbursements Filed By: Plaintiff Las Vegas Review-Journal <i>Amended Memorandum of Costs and Disbursements</i></p>
02/02/2021	<p> Motion for Attorney Fees and Costs Filed By: Plaintiff Las Vegas Review-Journal <i>Amended Motion for Attorney's Fees and Costs</i></p>
02/03/2021	<p> Clerk's Notice of Hearing <i>Notice of Hearing</i></p>
02/16/2021	<p> Opposition to Motion Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Respondent Clark County Office of the Coroner/Medical Examiner s Opposition to Petitioner Las Vegas Review-Journal s Amended Motion for Attorney s Fees and Costs</i></p>
02/23/2021	<p> Reply in Support Filed By: Plaintiff Las Vegas Review-Journal <i>Reply in Support of Amended Motion for Attorney's Fees and Costs</i></p>
03/19/2021	<p> Recorders Transcript of Hearing <i>Recorders Transcript of Hearing Re: March 2, 2021</i></p>

CASE SUMMARY
CASE NO. A-17-758501-W

03/26/2021	 Errata Filed By: Plaintiff Las Vegas Review-Journal <i>Errata to Amended Motion for Attorney's Fees and Costs</i>
04/08/2021	 Order Granting Motion Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Order Granting Petitioner Las Vegas Review - Journal's Amended Motion for Attorney's Fees and Costs</i>
04/08/2021	 Notice of Entry of Order Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Notice of Entry of Order</i>
04/22/2021	 Order Granting Motion Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Order Granting Petitioner Las Vegas Review - Journal's Amended Motion for Attorney's Fees and Costs</i>
04/30/2021	 Satisfaction of Judgment Filed by: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Satisfaction of Judgment</i>
04/30/2021	 Memorandum of Costs and Disbursements Filed By: Plaintiff Las Vegas Review-Journal <i>Second Memorandum of Costs and Disbursements</i>
04/30/2021	 Motion for Attorney Fees and Costs Filed By: Plaintiff Las Vegas Review-Journal <i>Petitioner Las Vegas Review-Journal, Inc.'s Motion for Supplemental Attorney's Fees and Costs</i>
05/03/2021	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
05/03/2021	 Motion to Strike Filed By: Defendant Clark County Office of the Coroner/ Medical Examiner <i>Respondent Clark County Office of The Coroner/Medical Examiner's Motion to Strike or, in the Alternative, Motion to Retax Memorandum of Costs</i>
05/04/2021	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
05/07/2021	 Notice of Appeal Filed By: Plaintiff Las Vegas Review-Journal <i>Notice of Appeal</i>
05/07/2021	 Case Appeal Statement <i>Case Appeal Statement</i>
<u>DISPOSITIONS</u>	
02/01/2018	Order (Judicial Officer: Crockett, Jim) Debtors: Clark County Office of the Coroner/ Medical Examiner (Defendant) Creditors: Las Vegas Review-Journal (Plaintiff) Judgment: 02/01/2018, Docketed: 02/01/2018

CASE SUMMARY
CASE NO. A-17-758501-W

Total Judgment: 32,377.50

04/01/2020


Clerk's Certificate (Judicial Officer: Crockett, Jim)
Debtors: Clark County Office of the Coroner/ Medical Examiner (Defendant)
Creditors: Las Vegas Review-Journal (Plaintiff)
Judgment: 04/01/2020, Docketed: 04/02/2020
Comment: Appeal Affirmed - Supreme Court No 74604 (In Part)
Debtors: Las Vegas Review-Journal (Plaintiff)
Creditors: Clark County Office of the Coroner/ Medical Examiner (Defendant)
Judgment: 04/01/2020, Docketed: 04/02/2020
Comment: Appeal Reversed - Supreme Court No 75095 (In Part)

04/22/2021

Amended Order (Judicial Officer: Jones, David M)
Debtors: Clark County Office of the Coroner/ Medical Examiner (Defendant)
Creditors: Las Vegas Review-Journal (Plaintiff)
Judgment: 04/22/2021, Docketed: 04/09/2021
Total Judgment: 169,232.00
Satisfaction: Satisfaction of Judgment

HEARINGS

09/28/2017

 **Petition for Writ of Mandamus** (9:00 AM) (Judicial Officer: Crockett, Jim)


Plaintiff's Petition for Writ of Mandamus

Matter Heard;

Journal Entry Details:

Laura Rehfeldt, Esq. present on behalf of Defendant. Court noted the arguments by Counsel and cited from applicable Attorney General's opinions as well as AB 57. Court noted arguments by Counsel, commented on the balance of interests, and FINDS it is clearly outweighed by public interest. Court noted its further inclinations. Arguments by Counsel. COURT ORDERED, motion GRANTED and Court DECLARES they are public records and must be provided to the requestor with statutory legal authority within 5 DAYS. As to attorneys fees for review, redaction fees, and fee per copy, COURT ORDERED, discs to be produced at \$15.00 per disc, production due as the discs are created, and complete production no later than 12/28/17. Court further noted any justifications for redactions need to be asserted. Court further stated its findings. Ms. Shell to prepare the order, circulate to opposing Counsel for approval as to form and content only, and submit it to the Court within TEN days after the transcript is received.;

12/12/2017

 **Motion For Stay** (9:00 AM) (Judicial Officer: Crockett, Jim)


Defendant's Motion for Stay of District Court Order and Order Shortening Time

Granted;

Journal Entry Details:

Court noted its prior ruling in declaring they were public records and today is Defendant's motion for stay. Court noted the arguments of Counsel and noted Defendant's should have properly moved to stay, however it would defeat the purpose if they let these out when there's a possibility it could be appealed, and as time is not of the essence, Court is inclined to grant the stay. Arguments by Ms. McLetchie in opposition. Court stated its findings and ORDERED, stay GRANTED. Court stated it doesn't think a bond is appropriate and Counsel agreed. Ms. McLetchie further requested a release of the documents with redactions and Court DENIED the request. Ms. Rehfeldt to prepare the order, circulate for approval as to form and content, and submit it within TEN days per EDCR 7.21.;

01/11/2018

 **Motion for Attorney Fees and Costs** (9:00 AM) (Judicial Officer: Crockett, Jim)

Plaintiff Las Vegas Review-Journal's Motion for Attorney's Fees and Costs

Granted;

Journal Entry Details:

Court noted the details of the Court's prior ruling, stated the arguments of Counsel and noted its comments and inclinations. Court agreed Plaintiff is entitled to reasonable fees of \$31,552.50 and costs of \$825.02. Arguments by Ms. Rehfeldt in opposition of Plaintiff's. Court stated its findings and ORDERED, motion GRANTED. Ms. McLetchie to submit the order within TEN days per EDCR 7.21.;

CASE SUMMARY

CASE NO. A-17-758501-W

02/15/2018



Motion to Stay (9:00 AM) (Judicial Officer: Crockett, Jim)

Respondent's Motion for Stay of District Court Order and Order Shortening Time

Denied;

Journal Entry Details:

Court stated it doesn't not think that the stay is warranted for the reasons stated in the opposition; the circumstances in this request are very different from the Court granting the stay of the case. Court further inquired whether the County is immune from a bond and Ms. Rehfeldt answered in the affirmative. Court further stated its findings. Arguments by Ms. Rehfeldt. COURT ORDERED, motion DENIED; Ms. McLetchie to prepare the order, circulate for approval as to form and content, and submit it within TEN days per EDCR 7.21. Colloquy regarding EDCR 2.20. COURT FURTHER ORDERED, automatic temporary stay of order granting attorney's fees will expire TEN days from entry of order. ;

04/15/2020



Status Check (3:00 AM) (Judicial Officer: Crockett, Jim)

Supreme Court Appeal

Minute Order - No Hearing Held;

Journal Entry Details:

A-17-758501-W Las Vegas Review-Journal, Plaintiff(s) vs. Clark County Office of the Coroner/ Medical Examiner, Defendant(s) Status Check Supreme Court Appeal On 2/27/20 the Supreme Court filed its Opinion in this matter. It affirmed the District Court's decision that the Coroner's Office was obliged to disclose unredacted autopsy reports: "The Coroner's Office argues that it may refuse to disclose a juvenile autopsy report once it has provided the report to a Child Death Review (CDR) team under NRS 432B.407(6). We disagree. Because NRS 432B.407(6) limits access to public information, particularly information that the Legislature has determined should be generally available to the public, we interpret NRS 432B.407(6)'s confidentiality provision narrowly and conclude that it applies strictly to the CDR team as a whole and may not be invoked by individual agencies within a CDR team to limit access to information the agency holds outside of its role on the team." It also held that the juvenile autopsy reports might include private information that needs to be protected and that hearings would need to be conducted in that regard: "We agree, however, with the Coroner's Office's argument that juvenile autopsy reports may include sensitive, private information and that such information may be properly redacted as privileged. In this regard, we conclude that the district court erred when it ordered the production of unredacted juvenile autopsy reports. We therefore remand for the district court to assess whether any such information that may be contained in the requested autopsy reports should be redacted under the test adopted in Clark County School District v. Las Vegas Review-Journal, 134 Nev. 700, 707-08, 429 P.3d 313, 320-21 (2018), and we explain the amount the Coroner's Office may collect for expending resources to provide any such redaction." The Supreme Court affirmed the District Court's decision that the County was not immune from an award of attorney fees to a prevailing party records requester but held the award was premature because it remains to be determined whether the Las Vegas Review-Journal is the prevailing party in the underlying action: "In addition, we reject the Coroner's Office's argument that NRS 239.012 immunizes a governmental entity from an award of attorney fees when the entity, in response to a records request, withholds public records in good faith. We conclude instead that NRS 239.012 s immunity provision applies explicitly to damages and should be interpreted independently from NRS 239.011, which entitles a prevailing records requester to recover attorney fees and costs regardless of whether the government entity withholds requested records in good faith. Thus, a governmental entity is not immune from an attorney fees award to which a prevailing records requester is entitled under NRS 239.011. We vacate the district court's award of attorney fees to LVRJ because it is premature to determine here whether the LVRJ is the prevailing party in the underlying NPRA action." The Supreme Court remanded for the District Court to assess what information should be disclosed and what should be permissibly redacted: "Accordingly, we remand for the district court to determine, under the Cameranesi test, what autopsy report information should be disclosed under the NPRA and what information should be redacted as private medical or health-related information." The Supreme Court also limited the fees the County could collect to 50 cents per page, declining the County's request for \$45 per hour for staff to review, etc. Regarding attorney fees and immunity, the Supreme Court said: Here, however, it is premature to conclude whether LVRJ will ultimately prevail in its NPRA action. The district court must decide the extent to which the juvenile autopsy reports contain private information that the Coroner's Office should redact. We conclude that NRS 239.012, as a matter of law, immunizes a governmental entity from "damages," and that the term does not encompass attorney fees and costs.6 fn 6. In light of our decision to reverse and remand for further proceedings, we leave to the sound discretion of the district court the determination of whether LVRJ is entitled to attorney fees as the prevailing party in this action. The Supreme Court Conclusion is excerpted below for the sake of completeness: We conclude that the

CASE SUMMARY

CASE NO. A-17-758501-W

Coroner's Office has not demonstrated that NRS 4328.407(6), or any other authority, authorizes it to withhold juvenile autopsy reports in their entirety in response to a public records request. To the extent that the requested reports may contain private information or confidential medical information, we remand for the district court to evaluate under *Cameranesi* the scope of information that should be redacted from the reports. While NRS 239.012 does not immunize the Coroner's Office from an award of attorney fees as a matter of law, we nonetheless vacate the district court's award of attorney fees because it cannot yet be determined whether LVRJ is a prevailing party in its underlying NPRA action. In light of the foregoing, we affirm the district court's conclusion that the Coroner's Office may not rely on NRS 4328.407(6) to withhold juvenile autopsy reports in their entirety in response to a public records request. We further affirm the district court's conclusion that NRS 239.012 does not immunize a governmental entity from an award of attorney fees to which a prevailing records requester in a public records action is entitled. We reverse the district court's order requiring production of unredacted juvenile autopsy reports, and we remand for the district court to assess the extent to which the reports may contain private information and medical or other health-related information that should be redacted. Finally, because it is not yet determined what information LVRJ will ultimately obtain as a result of its petition, we cannot yet conclude whether Las Vegas Review-Journal is a prevailing party, and we accordingly vacate the district court's order awarding attorney fees to Las Vegas Review-Journal. Court ORDERED, the Parties must now proceed forward to gather such information and conduct such discovery as is necessary to address the Supreme Court's decision and for future District Court proceedings. Parties to meet and confer regarding a Discovery Plan for the exchange of documents and/or additional Briefing Schedule on future Motions, and submit a Stipulation and Order to the Court. Proposed SAO due 14 days? Set a Status Check: Filing of SAO Hearing _____ 30 days out? _____ ;

05/18/2020



Status Check (3:00 AM) (Judicial Officer: Crockett, Jim)

STATUS CHECK: FILING OF STIPULATION AND ORDER

Matter Continued;

ORDER FILED 6/1/20

Journal Entry Details:

COURT NOTES as of 5/18/20 when this matter was being reviewed in prep for hearing, no Stipulation and Order has been filed. COURT ORDERED, matter CONTINUED to 6/18/20 and if the Stipulation and Order has not been filed by then, all counsel will be subject to an Order to Show Cause to pay \$250 to the Legal Aid Center of Southern Nevada or the Clark County Law Library. CONTINUED TO: 6/18/2020 9:00 AM CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /rl 5/18/2020 ;

09/24/2020

CANCELED Status Check (9:00 AM) (Judicial Officer: Crockett, Jim)

Vacated - per Stipulation and Order

Status of Case / Application (RE: SAO filed 6/1/20)

10/29/2020



Hearing (9:00 AM) (Judicial Officer: Crockett, Jim)

Hearing re: Briefs on Remand

Matter Heard; Hearing on briefs re: Remand




Journal Entry Details:

ALSO PRESENT: Benjamin Lipman, Counsel for the Las Vegas Review Journal, and Arthur Kane. The original issue was Plaintiff sought unredacted juvenile autopsy reports from the Clark County Coroner's Office for investigative reasons. The case went up to the Supreme Court, and the Supreme Court issued an Opinion. The case was Remanded for Judge Crockett to apply the balancing test regarding a non-trivial privacy interest, and whether or not it is outweighed by the significant public interest. The Court addressed counsel. Argument by Ms. McLetchie. The Court stated it appears that the Coroner's Office wants to also serve as the judicial decider by providing a spreadsheet and redacted records, and everyone should accept on face value the contention that it is everything that pertains to the cause of death. Anything redacted doesn't need to be seen. The Court addressed the value of transparency in our Government, and the value of public oversight. Argument by Ms. Nichols. The Court offered to perform an in camera review of unredacted juvenile autopsy reports with an explanation from a qualified expert. Ms. Nichols stated an in camera review would address her concerns. Colloquy. Upon the Court's inquiry, Ms. McLetchie didn't know the number of juvenile autopsy reports. Argument by Ms. McLetchie. Judge Crockett FINDS the multiple significant public interests identified in Ms. McLetchie's brief SUBSTANTIALLY OUTWEIGHS the non-trivial privacy interests asserted by the Coroner's Office. Ms. Nichols believes there are 600 to 700

CASE SUMMARY

CASE NO. A-17-758501-W

juvenile autopsy reports. Colloquy regarding the autopsy reports are not redacted. Arguments by counsel. COURT ORDERED, autopsy reports requested by the Las Vegas Review Journal will be produced in an UNREDACTED format within 30 days of today's date; the Coroner's Office can determine the charges as discussed; for hard copies, the charge is capped at fifty cents per page pursuant to the Supreme Court's Opinion (page 24). Argument by Ms. McLetchie. The Court alerted both sides that given today's ruling it is only a matter of time before the Court declares Plaintiff to be the prevailing party, and it will become relevant on the issue of fees and costs. Colloquy regarding actual costs must be disclosed by the Coroner's Office. Ms. McLetchie addressed costs. The Court addressed counsel on the cost of medical records. Colloquy. The Court stated electronic copies are fine. COURT ORDERED, the Coroner's Office can charge for a digital medium (CD). Nothing further from counsel. Based upon today's ruling, COURT ORDERED, PLAINTIFF IS THE PREVAILING PARTY, and Plaintiff can submit a supplemental Application for fees and costs, including those previously awarded. Ms. McLetchie to prepare the Order. CLERK'S NOTE: Minute Order typed from JAVS. (jl 12-16-2020);

12/10/2020	<p>Motion to Stay (9:00 AM) (Judicial Officer: Crockett, Jim)</p> <p><i>Respondent Clark County Office of the Coroner/Medical Examiner s Motion to Stay on an Order Shortening Time</i></p> <p>Denied;</p>
12/10/2020	<p>Motion for Order to Show Cause (9:00 AM) (Judicial Officer: Crockett, Jim)</p> <p><i>Petitioner Las Vegas Review Journal s Motion to Order to Show Cause on OST</i></p> <p>Denied;</p>
12/10/2020	<p> All Pending Motions (9:00 AM) (Judicial Officer: Crockett, Jim)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>RESPONDENT CLARK COUNTY OFFICE OF THE CORONER/MEDICAL EXAMINER'S MOTION TO STAY ON AN ORDER SHORTENING TIME...PETITIONER LAS VEGAS REVIEW JOURNAL'S MOTION TO ORDER SHOW CAUSE ON ORDER SHORTENING TIME</i> Court reviewed its notes with counsel. Upon the Court's inquiry, Ms. Nichols stated she had nothing to add. Ms. McLetchie argued. COURT ORDERED, as to the Motion to Stay, DENIED, stated findings and directed Ms. McLetchie to prepare the order. As to the Motion to Order Show Cause, COURT ORDERED, DENIED and extended the deadline to produce un-redacted autopsy reports to no later than 12/30/20. Ms. Nichols to prepare the order. ;</p>
01/27/2021	<p> Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Jones, David M)</p> <p>01/27/2021, 02/25/2021, 03/02/2021</p> <p><i>Petitioner Las Vegas Review-Journal's Supplemental Motion for Attorney s Fees and Costs</i></p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Motion Granted;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Motion Granted;</p> <p>Journal Entry Details:</p> <p><i>COURT ORDERED, matter CONTINUED. CONTINUED TO: 3/2/21 9:00 AM;</i></p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Motion Granted;</p> <p>Journal Entry Details:</p> <p><i>Argument by Ms. Shell and requested she be permitted to amend the motion by 2/2/21; coroner to file response by 2/16/21; and Plaintiff's reply due by 2/25/21. COURT ORDERED, matter CONTINUED. CONTINUED TO: 2/25/21 9:00 AM;</i></p>
03/02/2021	<p>Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Jones, David M)</p> <p><i>Plaintiff's Amended Motion for Attorney's Fees and Costs</i></p> <p>Motion Granted;</p>
03/02/2021	<p> All Pending Motions (9:00 AM) (Judicial Officer: Jones, David M)</p>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-17-758501-W

	<p>Matter Heard; Journal Entry Details: PLAINTIFF'S AMENDED MOTION FOR ATTORNEY'S FEES AND COSTS ... PETITIONER LAS VEGAS REVIEW-JOURNAL'S SUPPLEMENTAL MOTION FOR ATTORNEY'S FEES AND COSTS Following arguments by counsel, COURT ORDERED, motion GRANTED; Plaintiff awarded \$2,472.99 in costs and \$167,200.00 in fees. Plaintiff to prepare the order. ;</p>
06/01/2021	<p>Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Jones, David M) <i>Petitioner Las Vegas Review-Journal, Inc.'s Motion for Supplemental Attorney's Fees and Costs</i></p>
06/15/2021	<p>Motion to Strike (9:00 AM) (Judicial Officer: Jones, David M) <i>Respondent Clark County Office of The Coroner/Medical Examiner's Motion to Strike or, in the Alternative, Motion to Retax Memorandum of Costs</i></p>

DATE	FINANCIAL INFORMATION												
	<p>Defendant Clark County Office of the Coroner/ Medical Examiner</p> <table> <tr> <td>Total Charges</td><td>79.00</td></tr> <tr> <td>Total Payments and Credits</td><td>79.00</td></tr> <tr> <td>Balance Due as of 5/11/2021</td><td>0.00</td></tr> </table> <p>Plaintiff Las Vegas Review-Journal</p> <table> <tr> <td>Total Charges</td><td>744.00</td></tr> <tr> <td>Total Payments and Credits</td><td>744.00</td></tr> <tr> <td>Balance Due as of 5/11/2021</td><td>0.00</td></tr> </table>	Total Charges	79.00	Total Payments and Credits	79.00	Balance Due as of 5/11/2021	0.00	Total Charges	744.00	Total Payments and Credits	744.00	Balance Due as of 5/11/2021	0.00
Total Charges	79.00												
Total Payments and Credits	79.00												
Balance Due as of 5/11/2021	0.00												
Total Charges	744.00												
Total Payments and Credits	744.00												
Balance Due as of 5/11/2021	0.00												

DISTRICT COURT CIVIL COVER SHEET

County, Nevada
 Case No. **A-17-758501-W** Department 24
(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone): <div style="text-align: center;">The Las Vegas Review-Journal c/o McLetchie Shell LLC 701 East Bridger Avenue, Suite 520; Las Vegas, NV 89101 (702) 728-5300</div>	Defendant(s) (name/address/phone): <div style="text-align: center;">Clark County Office of the Coroner/Medical Examiner 1704 Pinto Lane Las Vegas, Nevada 89106 (702) 455-3210</div>
Attorney (name/address/phone): <div style="text-align: center;">Margaret A. McLetchie and Alina M. Shell McLetchie Shell LLC 701 East Bridger Avenue, Suite 520; Las Vegas, NV 89101 (702) 728-5300</div>	Attorney (name/address/phone): <div style="text-align: center;">Mary-Anne Miller and Laura Rehfeldt Clark County District Attorney's Office, Civil Division 500 S. Grand Central Parkway Las Vegas, Nevada 89106 (702) 671-2500</div>

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

Civil Case Filing Types

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

07/17/2017

Date

Signature of Initiating party or representative

See other side for family-related case filings.

Heather S. Smith

CLERK OF THE COURT

MARQUIS AURBACH COFFING

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

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Attorneys for Respondent, Clark County
Office of the Coroner/Medical Examiner

DISTRICT COURT

CLARK COUNTY, NEVADA

LAS VEGAS REVIEW-JOURNAL,

Petitioner,

vs.

CLARK COUNTY OFFICE OF THE
CORONER/MEDICAL EXAMINER,

Respondent.

Case No.: A-17-758501-W
Dept. No.: 29

**ORDER GRANTING PETITIONER LAS VEGAS REVIEW-JOURNAL'S AMENDED
MOTION FOR ATTORNEY'S FEES AND COSTS**

Petitioner the Las Vegas Review-Journal's Amended Motion for Attorney's Fees and Costs, having come on for hearing on March 2, 2021, the Honorable Judge David Jones presiding, Petitioner the Las Vegas Review-Journal (the "Review-Journal") appearing by and through its counsel, Margaret A. McLetchie and Alina M. Shell, and Respondent the Clark County Office of the Coroner/Medical Examiner (the "Coroner") appearing by and through its

counsel, Jackie V. Nichols, and the Court having read and considered all of the papers and pleadings on file, hearing oral argument, and being fully advised, and good cause appearing therefore, the Court hereby makes the following findings of fact and conclusions of law:

I. PROCEDURAL HISTORY AND FINDINGS OF FACT

The Records Request and The Coroner's Response

1. On April 13, 2017, the Review-Journal sent the Coroner a request (the "Request") pursuant to the Nevada Public Records Act, Nev. Rev. Stat. § 239.001 et seq. (the "NPR") seeking all autopsy reports of all autopsies conducted on anyone under the age of 18 from 2012 through the date of the Request.

2. The Coroner responded via email on April 13, 2017. It provided a spreadsheet with information consisting of the Coroner case number, name of decedent, date of death, gender, age, race, location of death, and cause and manner of death, but refused to provide "autopsy reports, notes or other documents." In its April 13, 2017 email, the Coroner stated it would not disclose the autopsy reports because they contain medical information and confidential information about a decedent's body. The Coroner relied on Attorney General Opinion, 1982 Nev. Op. Atty. Gen. No. 12 ("AGO 82-12") and its legal analysis as the legal basis for non-disclosure.

3. The Review-Journal followed up by emailing the Clark County District Attorney's Office on April 13, 2017, requesting additional legal support for the Coroner's refusal to provide records.

4. The District Attorney's Office, Civil Division, on behalf of the Coroner, responded via email on April 14, 2017, again relying on AGO 82-12 and also relying on Assembly Bill 57, 79th Sess. (Nev. 2017) as the legal bases for its refusal to disclose the requested records.

5. On May 9, 2017, following a meeting between the Coroner and the Review-Journal, the Coroner emailed a second spreadsheet to the Review-Journal listing child deaths dating back to 2011 in which the Coroner conducted autopsies.

1 6. On May 23, 2017, counsel for the Review-Journal wrote to the Coroner to address
2 concerns with the Coroner's refusal to provide access to any of the requested juvenile autopsy
3 reports.

4 7. On May 26, 2017, the Coroner (via the District Attorney) responded to the May
5 23, 2017, letter, again relying on the legal analysis in AGO 82-12, and agreed to consider
6 providing redacted versions of autopsies of juveniles if the Review-Journal provided a specific
7 list of cases it wished to review.

8 8. In its May 26, 2017 response, the Coroner for the first time also asserted that the
9 records may be protected by Nev. Rev. Stat. § 432B.407, which makes documents, including
10 autopsy reports, reviewed by the Child Death team, of which the Coroner is a representative,
11 confidential, and that privacy interests outweighed public disclosure, consistent with the legal
12 analysis articulated in AGO 82-12.

13 9. The Review-Journal provided the Coroner with a list of specific cases it wanted
14 reports for via email on May 26, 2017.

15 10. The Coroner responded to the May 26, 2017 email on May 31, 2017.

16 11. In its May 31, 2017 response, the Coroner stated that due to the magnitude of the
17 request and the review involved, the records would not be made available by the end of the fifth
18 business day. The Coroner further explained that each record would need to be reviewed
19 individually for privileged material and the information subject to privileges would not be
20 disclosed.

21 12. The Coroner also asked the Review-Journal to specify the records it wanted to
22 receive first, which the Review-Journal did on June 12, 2017.

23 13. On July 9, 2017, in a response to a further email from the Review-Journal
24 inquiring on the status of the records, the Coroner indicated it would not produce any records
25 that pertained to any case that was subsequently handled by a child death review team pursuant
26 to Nev. Rev. Stat. § 432B.407. By that time, the Coroner had determined which cases were not
27 handled by the child death review team and provided a list to the Review-Journal.

1 14. On July 11, 2017, the Coroner provided sample files of redacted autopsy reports
2 of juveniles that were not handled by a child death review team. The sample files were heavily
3 redacted; the Coroner asserted that the redacted language consisted of information that was
4 medical, related to the health of the decedent's mother, could be marked with stigmata [sic], or
5 considered an invasion of privacy. Statements of diagnosis or opinion that were medical or
6 health related that went to the cause of death were not redacted.

7 15. On July 11, 2017, the Coroner also demanded that the Review-Journal commit to
8 payment for further work in redacting files for production and declined to produce records
9 without payment. The Coroner indicated it would take two persons 10-12 hours to redact the
10 records it was willing to produce, and that the Review-Journal would have to pay \$45.00 an hour
11 for the two reviewers, one of which would be an attorney. The Coroner contended that
12 conducting a privilege review and redacting autopsy reports required the "extraordinary use of
13 personnel" under Nev. Rev. Stat. § 239.055. The Coroner stated it did not intend to seek fees for
14 the work associated with the previously provided spreadsheets and redacted reports.

15 **The Initial Litigation Over the Petition**

16 16. On July 17, 2017, the Review-Journal filed its Application Pursuant to Nev. Rev.
17 Stat. § 239.001/Application for Writ of Mandamus/Application for Declaratory and Injunctive
18 Relief (the "Petition") and requested expedited consideration pursuant to Nev. Rev. Stat. §
19 239.011(2).

20 17. On August 17, 2017, the Review-Journal submitted a Memorandum in support of
21 its Petition. The Coroner submitted its Response on August 30, 2017, asserting a number of
22 arguments in support of confidentiality of personal health and medical information unrelated to
23 the cause or manner of death. The Review-Journal submitted its Reply on September 7, 2017.

24 18. The Court held a hearing on the Review-Journal's Petition on September 28,
25 2017.

26 19. On November 9, 2017, the Court entered an Order rejecting each of the Coroner's
27 arguments and granting the Review-Journal's Petition, requiring the Coroner to produce the
28 requested records (the "Petition Order"). The Court also ordered that the Coroner was not

entitled to any fees or costs for producing the records, other than the cost of the medium on which the records were to be electronically provided.

The Initial Litigation Regarding Fees and Costs

20. On November 26, 2017, the Review-Journal timely filed a Motion for Attorney's Fees and Costs (the "Fees Motion") pursuant to Nev. Rev. Stat. § 239.011(2).

21. In its Fees Motion and supporting exhibits, the Review-Journal requested compensation at the following rates for work performed by its attorneys and support staff between July 10, 2017, and November 29, 2017:

Attorney/Biller	Hours	Billing Rate	Total Billed
Margaret A. McLetchie	27.9	\$450.00	\$12,465.00 ¹
Alina M. Shell	51.3	\$350.00	\$17,220.00 ²
Leo Wolpert	2.1	\$175.00	\$367.50
Pharan Burchfield	8.9	\$150.00	\$1,335.00
Administrative Support	6.6	\$25.00	\$165.00
		Total Fees Requested	\$31,552.50

22. The Review-Journal also requested \$825.02 in costs associated with the litigation, for a combined total request for \$32,377.52 in fees and costs.

23. The Review-Journal provided detail for the work performed, as well as declarations supporting the reasonableness of the rates and the work performed.

24. The Coroner's Office filed an Opposition to the Fees Motion on December 14, 2017, and the Review-Journal filed a Reply on January 4, 2018.

25. In its Opposition, the Coroner's Office asserted that pursuant to Nev. Rev. Stat. § 239.012—a provision of the NPRA which provides immunity from damages for public officers who act in good faith in disclosing or refusing to disclose records—the Review-Journal had to

¹ This total reflected voluntary reductions for some time entries, made by counsel for the Review-Journal in her billing discretion.

² See *supra* n.1.

1 establish the Coroner's Office acted in bad faith in refusing to disclose the requested records to
2 obtain attorney's fees and costs.

3 26. The Court conducted a hearing on the Fees Motion on January 11, 2018.

4 27. On February 1, 2018, the Court entered an Order granting the Review-Journal the
5 entirety of the fees and costs it requested (the "Fees Order").

6 **The Coroner's Appeal of the Petition Order**

7 28. On November 28, 2017, the Coroner filed a Notice of Appeal from Petition Order.

8 29. On November 29, 2017, the Coroner filed a Motion for Stay on an Order
9 Shortening Time requesting that the Court stay the Petition Order pending its appeal.

10 30. The Review-Journal filed an Opposition to the Motion for Stay on December 6,
11 2017, and the Coroner filed a reply on December 8, 2017.

12 31. Following a December 12, 2017, hearing on the Coroner's motion, the Court
13 entered an order on January 11, 2018, granting the Coroner's request for a stay.

14 32. The Coroner filed its Opening Brief in *Clark Cty. Office of the Coroner/Med.*
15 *Exam'r*, Nevada Supreme Court Case No. 74604, on June 6, 2018.

16 33. The Review-Journal filed an Answering Brief on September 6, 2018.

17 **The Coroner's Appeal of the Fees Order**

18 34. On February 5, 2018, the Coroner filed a notice of appeal from the Fees Order.

19 35. The Coroner also filed a Renewed Motion for Stay on an Order Shortening Time
20 on February 5, 2018.

21 36. The Review-Journal filed an opposition to the Coroner's Renewed Motion for
22 Stay on February 13, 2018.

23 37. The Court conducted a hearing on the Coroner's Renewed Motion for Stay on
24 February 15, 2018, and orally denied the request for a stay. The Court subsequently entered a
25 written order denying the stay on March 7, 2018.

26 38. The Coroner filed an Emergency Motion for Stay with the Nevada Supreme Court
27 on March 8, 2018.

28

39. The Review-Journal filed an Opposition to the Emergency Motion for Stay on March 21, 2018.

40. On April 12, 2018, the Supreme Court entered a decision and order granting the Coroner's request for a stay pending appeal. *See Clark Cty. Office of the Coroner/Medical Exam'r v. Las Vegas Review-Journal*, 415 P.3d 16, 17 (Nev. 2018).

The Outcome of the Coroner's Appeals

41. The Nevada Supreme Court conducted a consolidated oral argument on the Coroner's appeals of the Petition Order and the Fees Order on October 7, 2019.

42. On February 27, 2020, the Supreme Court issued a written opinion affirming in part and reversing in part the Court's orders and remanding the case back to this Court. *See Clark Cty. Office of the Coroner/Medical Exam'r v. Las Vegas Review-Journal*, 458 P.3d 1048, 1050 (2020).

43. In its opinion, the Supreme Court found, in favor of the Review-Journal, that juvenile autopsy reports are public records and cannot be withheld, as the Coroner argued, in their entirety. *See generally Clark County Office of the Coroner/Medical Examiner v. Las Vegas Review-Journal*, 136 Nev. 44, 59-60, 458 P.3d 1048, 1061 (2020). The Supreme Court also found that the Coroner properly relied on AGO 82-12 and had established a nontrivial privacy interest with respect to certain health and medical information contained in the records and remanded the matter to this Court to apply the two-part balancing test adopted in *Clark Cty. School Dist. v. Las Vegas Review-Journal*, 134 Nev. 700, 429 P.3d 313 (2018).

44. The Supreme Court further reversed the district court's ruling and concluded that the Coroner did not waive its ability to rely on NRS 432B.407(6) simply because it did not assert the privilege within the first five (5) business days. *Coroner*, 136 Nev. at 49-50, 458 P.3d 1053-54.

45. With regard to the Coroner's appeal of the Fees Order, the Supreme Court held that, in light of its remand order, it was "premature to conclude whether [the Review-Journal would] ultimately prevail in its NPRA action" because "[t]he district court must decide the extent

1 to which the juvenile autopsy reports contain private information that the Coroner's Office
2 should redact." *Coroner*, 136 Nev. at 61, 458 P.3d at 1061.

3 **Proceedings on Remand**

4 46. On August 27, 2020, the Review-Journal filed its Opening Brief on Remand.

5 47. The Coroner filed an Answering Brief on Remand on October 7, 2020, and the
6 Review-Journal filed a Reply Brief on October 22, 2020.

7 48. The Court conducted a hearing on remand on October 29, 2020, and again ruled
8 in the Review-Journal's favor, mandating the Coroner's Office provide "all of the juvenile
9 autopsy reports that were originally requested by the Plaintiff." (Transcript of October 29, 2020,
10 Hearing, p. 37:1-3.) The Court also noted that "based upon today's ruling, the Court finds that
11 the Plaintiff is the prevailing party and will consider its supplemental application for fees and
12 costs, including those that were previously awarded." (*Id.*, p. 37:15-18.)

13 49. On November 20, 2020, the Court entered a written order directing the Coroner to
14 produce the autopsy reports (the "Order on Remand").

15 50. Also on November 20, 2020, the Coroner filed a Motion for Stay on Order
16 Shortening Time.

17 51. The Review-Journal filed an Opposition to the Motion for Stay on November 30,
18 2020, and the Coroner filed a Reply on December 7, 2020.

19 52. The Court conducted a hearing on the Motion for Stay on Order Shortening Time
20 on December 10, 2020, and entered a written order denying the motion on December 15, 2020.

21 53. On December 15, 2020, the Coroner filed an appeal from the Order on Remand.

22 54. On December 17, 2020, the Coroner filed an Emergency Motion with the Nevada
23 Supreme Court seeking a stay of the Order on Remand pending appeal.

24 55. The Review-Journal filed an opposition to the Emergency Motion on December
25 24, 2020.

26 56. On December 29, 2020, the Supreme Court entered an order denying the
27 Coroner's Emergency Motion.
28

57. The Coroner filed an Emergency Motion for Reconsideration with the Supreme Court on December 29, 2020. The Supreme Court issued an order denying the request for reconsideration on December 30, 2020.

58. On December 31, 2020, the Coroner moved to voluntarily dismiss its appeal of the Order on Remand.

59. On January 12, 2020, the Supreme Court issued an order dismissing the Coroner's appeal.

The Review-Journal's Amended Motion for Fees and Costs

60. On February 2, 2021, the Review-Journal filed an Amended Motion for Attorney's Fees and Costs seeking an award of all fees and costs it accrued in this matter, including the fees previously addressed in the Court's Fees Order.

61. In its Motion and supporting Exhibits, the Review-Journal requested compensation at the following rates for additional work performed by its attorneys and support staff between November 9, 2017, and February 2, 2021:

November 9, 2017 – December 31, 2019³			
Biller	Hours	Billing Rate	Total Billed
Margaret McLetchie	109.0	\$450.00	\$49,050.00
Alina Shell	114.8	\$350.00	\$40,180.00
Leo Wolpert	53.0	\$200.00	\$10,600.00
Carly Krygier	0.2	\$200.00	\$20.00
Jessica Brown	48.3	\$200.00	\$9,680.00
Pharan Burchfield	25.6	\$150.00	\$3,840.00
Lacey Ambro (administrative work)	4.0	\$50.00	\$200.00
January 1, 2020 – February 2, 2021			
Biller	Hours	Billing Rate	Total Billed
Margaret McLetchie	145.00	\$500.00	\$72,500.00
Alina Shell	113.6	\$375.00	\$42,600.00
Leo Wolpert	38.9	\$250.00	\$9,725.00
Pharan Burchfield	23.8	\$175.00	\$4,165.00
Lacey Ambro	9.1	\$150.00	\$1,365.00

³ During the March 2, 2021, hearing on the Review-Journal's Amended Motion, counsel for the Review-Journal noted that the Amended Motion inadvertently sought compensation for time expended by attorneys and staff that was previously included in its November 29, 2017, Motion for Attorney's Fees and Costs. The hours listed above reflected the corrected time expended by counsel and staff.

(paralegal work)			
Administrative staff	7.1	\$25.00	\$177.50
Total Fees Requested			\$244,087.50

62. The Review-Journal provided detail for the work performed, as well as a declaration supporting the reasonableness of the rates and the work performed.

63. Combined with the \$31,552.50 it requested in the Fees Motion, the Review-Journal requested \$275,640.00 in attorney's fees.

64. The Review-Journal also requested \$3,581.48 in costs associated with the litigation.

65. The Coroner filed an Opposition to the Review-Journal's Amended Motion on February 16, 2021, and the Review-Journal filed a Reply on February 23, 2021. In its Reply, the Review-Journal acknowledged that it erroneously included a \$600 time entry for work performed by counsel in drafting a letter to the Clark County Commission Board of County Commissioners and agreed not to see fees associated with that work.

66. This Court conducted a hearing on the Review-Journal's Amended Motion on March 2, 2021.

67. At the hearing, counsel for the Review-Journal indicated that there was a \$2,515.00 inadvertent entry of time covered by the Review-Journal's November 27, 2017, Motion for Attorney's Fees and Costs.

II. CONCLUSIONS OF LAW AND FACT

The Review-Journal is the Prevailing Party.

68. Recovery of attorney's fees as a cost of litigation is permissible by agreement, statute, or rule. *See Sandy Valley Assocs. v. Sky Ranch Estates Owners Ass'n*, 117 Nev. 948, 956, 35 P.3d 964, 969 (2001).

69. Here, recovery of attorney's fees is authorized by the NPRA, which provides in pertinent part that, "[i]f a requester prevails [on a petition brought pursuant to the NPRA], the requester is entitled to recover his or her costs and reasonable attorney's fees in the proceeding

1 from the governmental entity whose officer has custody of the book or record.” Nev. Rev. Stat. §
2 239.011(2).

3 70. The Nevada Supreme Court has explained that “by its plain meaning, [Nev. Rev.
4 Stat. § 239.011(2)] grants a requester who prevails in NPRA litigation the right to recover
5 attorney fees and costs.” *LVMPD v. Blackjack Bonding*, 131 Nev. 80, 89, 343 P.3d 608, 615
6 (2015); accord *Clark Cty. Office of Coroner/Med. Exam’r v. Las Vegas Review-Journal*, 136
7 Nev. 44, 60, 458 P.3d 1048, 1061 (2020).

8 71. A party seeking records need not succeed on all its claims in order to be entitled
9 to an award of fees. Instead, a party “prevails” for the purposes of a fees award “if it succeeds on
10 any significant issue in the litigation which achieves some of the benefit it sought in bringing
11 suit.” *Valley Elec. Ass’n v. Overfield*, 121 Nev. 7, 10, 106 P.3d 1198, 1200 (2005) (internal
12 citations omitted); accord *Blackjack Bonding*, 131 Nev. at 90, 343 P.3d at 615.

13 72. A party who substantially prevails is entitled to recoup all attorney’s fees and
14 costs, even if that party did not ultimately succeed on all claims. *University of Nevada v.*
15 *Tarkanian*, 110 Nev. 581, 595-598, 879 P.2d 1180, 1189-90 (1994).

16 73. The Review-Journal prevailed on a significant issue, in which was obtaining
17 unredacted copies of the records.

18 74. Accordingly, the Review-Journal is the prevailing party in this matter and is
19 entitled to an award of reasonable attorney’s fees and costs.

20 **The Brunzell Factors Support an Award of Fees and Costs to the Review-Journal.**

21 75. The Review-Journal is entitled to its “reasonable” attorney’s fees and costs in this
22 matter.

23 76. Pursuant to *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 455 P.2d 31 (1969),
24 a court must consider four elements in determining the reasonable value of attorneys’ services:

25 (1) the qualities of the advocate: his ability, his training, education, experience,
26 professional standing and skill; (2) the character of the work to be done: its
27 difficulty, its intricacy, its importance, time and skill required, the responsibility
28 imposed and the prominence and character of the parties where they affect the
importance of the litigation; (3) the work actually performed by the lawyer: the
skill, time and attention given to the work; (4) the result: whether the attorney was
successful and what benefits were derived.

1 *Brunzell*, 85 Nev. at 349, 455 P.2d at 33 (citation omitted); accord *Shuette v. Beazer Homes*
2 *Holding Corp.*, 121 Nev. 837, 864-65, 124 P.3d 530, 548-49 (2005).

3 77. After a court has determined that attorney's fees are appropriate, it must then
4 multiply the number of hours reasonably spent on the case by a reasonable hourly rate to reach
5 the lodestar amount. *Herbst v. Humana Health Ins.*, 105 Nev. 586, 590, 781 P.2d 762, 764
6 (1989) (citations omitted). There is a strong presumption that the lodestar rate is reasonable. *Id.*

7 78. Alternatively, "in determining the amount of fees to award, the court is not
8 limited to one specific approach; its analysis may begin with any method rationally designed to
9 calculate a reasonable amount, including those based on a 'lodestar' amount." *Shuette v. Beazer*
10 *Homes Holdings Corp.*, 121 Nev. 837, 864, 124 P.3d 530, 549 (2005); accord *Haley v. Eighth*
11 *Judicial Dist. Court of Nev.*, 128 Nev. 171, 178, 273 P.3d 855, 860 (2012). Regardless of which
12 method is chosen as a starting point, however, the court must continue its analysis by considering
13 the requested amount in light of the *Brunzell* factors. *Shuette*, 121 Nev. at 865, 124 P.3d at 549.

14 79. As to the first *Brunzell* factor, the "qualities of the advocate," the Court finds that
15 the rates sought for the Review-Journal's counsel and support staff are reasonable in light of
16 their ability, training, education, experience, professional standing and skill. The rates sought for
17 staff are also reasonable and compensable.

18 80. The Court also finds that the second *Brunzell* factor, the "character of the work"
19 performed in this case, *Brunzell*, 85 Nev. at 349, 455 P.2d at 33, weighs in favor of a full award
20 of fees and costs to the Review-Journal. This case involved an unsettled and contentious area of
21 public records law with serious legal questions of public importance. The Coroner asserted a
22 number of claims of confidentiality requiring versatility and comfort with various areas of state
23 and federal law. And, as the NPRA reflects, the work involved in seeking access to public
24 records is important: access to public records fosters democratic principles. Nev. Rev. Stat. §
25 239.001(1). Representing the newspaper of record also necessarily involves a high level of
26 responsibility and immediate attention. Further, NPRA matters involve matters of high
27 prominence.
28

1 81. As to the third factor, the work actually performed by counsel, litigation of this
2 matter required a firm understanding and application of the NPRA, as well as state and federal
3 laws. As demonstrated by the record of this case and the fees detail provided by the Review-
4 Journal, counsel for the Review-Journal dedicated substantial time and resources to thoroughly
5 researching and briefing each issue in this matter at both the district court and appellate levels
6 and demonstrated substantial skill in the work performed. This factor therefore weighs in favor
7 of awarding the Review-Journal attorney's fees and costs.

8 82. The final *Brunzell* factor requires this Court to consider "the result: whether the
9 attorney was successful and what benefits were derived." *Brunzell*, 85 Nev. at 349, 455 P. 2d at
10 33.

11 83. As set forth above, the Review-Journal is the prevailing party in this public
12 records litigation, and as a result of its counsel's efforts, obtained an order from this Court
13 directing the Coroner's Office to produce all of the requested autopsy records.

14 84. Thus, this final factor weighs in favor of an award of fees and costs to the
15 Review-Journal.

16 85. Based upon the Court's review of the documentation provided by the Review-
17 Journal and the Court's experience in insurance litigation, the Court finds the Review-Journal is
18 awarded \$167,200.00 in attorneys' fees.

19 86. As noted above, the Court has reduced the award to reflect the inadvertent entry
20 of time covered by the Review-Journal's November 27, 2017, Motion for Attorney's Fees and
21 Costs in the amount of \$2,075.00, which was raised for the first time at oral argument.

22 87. In addition, the Court notes that the Review-Journal acknowledged in its filings
23 and at the hearing that it had erroneously sought \$600 in fees for work performed by counsel in
24 drafting a letter to the Clark County Board of County Commissioners and agreed not to seek the
25 fees associated with that entry.

26 88. Subsequently, however, the Review-Journal filed an Errata that provided that the
27 Review-Journal inadvertently included time entries which were initially part of the 2017
28

1 application amounting to \$2,515.00, a difference of \$440.00 from what the Court considered at
2 the hearing.

3 89. Accordingly, with the additional \$440.00 reduction, the Review-Journal is entitled
4 to an award of attorney fees in the amount of \$166,760.00.

5 90. As noted above, the Review-Journal also requested \$3,581.48 in costs associated
6 with this matter. After reviewing the documentation provided by the Review-Journal in support
7 of its costs, the Court finds that a reduction is necessary to ensure that the costs are reasonable.

8 91. The Court therefore finds the Review-Journal is entitled to an award of costs in
9 the amount of \$2,472.00.

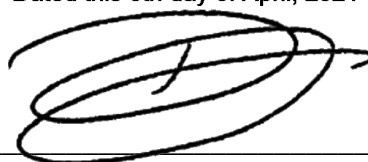
10 **III. ORDER**

11 Based on the foregoing findings of fact and conclusions of law, the Court hereby
12 ORDERS as follows:

13 IT IS HEREBY ORDERED that the Coroner must pay the Review-Journal \$166,760.00
14 for the reasonable attorney's fees the Review-Journal expended in litigating this matter within 30
15 days of the entry of this Order.

16 IT IS HEREBY FURTHER ORDERED that the Coroner must pay the Review-Journal
17 \$2,472.00 for the costs the Review-Journal incurred in this litigation within 30 days of entry of
18 this Order.

Dated this 8th day of April, 2021



DISTRICT COURT JUDGE

21 Respectfully Submitted By:
22 MARQUIS AURBACH COFFING

F7A 9C3 0126 B89C
David M Jones
District Court Judge

23
24 By: /s/ Jackie V. Nichols
25 Craig R. Anderson, Esq.
26 Nevada Bar No. 6882
27 Jackie V. Nichols, Esq.
28 Nevada Bar No. 14246
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Respondent, Clark County Office of the Coroner/Medical Examiner

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Las Vegas Review-Journal,
Plaintiff(s)

CASE NO: A-17-758501-W

7 vs.

DEPT. NO. Department 29

8
9 Clark County Office of the
Coroner/ Medical Examiner,
10 Defendant(s)

11
12 **AUTOMATED CERTIFICATE OF SERVICE**

13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing Order Granting Motion was served via the court's electronic eFile
15 system to all recipients registered for e-Service on the above entitled case as listed below:

16 Service Date: 4/8/2021

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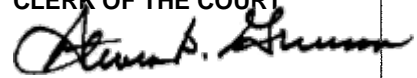
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DISTRICT COURT**CLARK COUNTY, NEVADA**

LAS VEGAS REVIEW-JOURNAL,

Petitioner,

Case No.: A-17-758501-W

Dept. No.: 29

vs.

CLARK COUNTY OFFICE OF THE
CORONER/MEDICAL EXAMINER,

Respondent.

NOTICE OF ENTRY OF ORDER

TO: ALL INTERESTED PARTIES; and their attorneys of record:

...

...

...

...

...

1 PLEASE TAKE NOTICE that an Order Granting Petitioner Las Vegas Review-Journal's
2 Amended Motion for Attorney's Fees and Costs was entered on the 8th day of April, 2021, a
3 copy of which is attached hereto.

4 Dated this 8th day of April, 2021.

5
6 MARQUIS AURBACH COFFING

7
8 By: /s/ Jackie V. Nichols
9 Craig R. Anderson, Esq.
10 Nevada Bar No. 6882
11 Jackie V. Nichols, Esq.
12 Nevada Bar No. 14246
13 10001 Park Run Drive
14 Las Vegas, Nevada 89145
15 Attorneys for Respondent, Clark County
16 Office of the Coroner/Medical Examiner
17
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NOTICE OF ENTRY OF ORDER** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 8th day of April, 2021. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:¹

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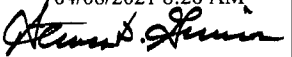
Attorney for Respondent Clark County Office of the Coroner/Medical Examiner

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/ Krista Busch
An employee of Marquis Aurbach Coffing

¹ 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).


CLERK OF THE COURT

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DISTRICT COURT

CLARK COUNTY, NEVADA

LAS VEGAS REVIEW-JOURNAL,

Petitioner,

vs.

CLARK COUNTY OFFICE OF THE
CORONER/MEDICAL EXAMINER,

Respondent.

Case No.: A-17-758501-W
Dept. No.: 29

**ORDER GRANTING PETITIONER LAS VEGAS REVIEW-JOURNAL'S AMENDED
MOTION FOR ATTORNEY'S FEES AND COSTS**

Petitioner the Las Vegas Review-Journal's Amended Motion for Attorney's Fees and Costs, having come on for hearing on March 2, 2021, the Honorable Judge David Jones presiding, Petitioner the Las Vegas Review-Journal (the "Review-Journal") appearing by and through its counsel, Margaret A. McLetchie and Alina M. Shell, and Respondent the Clark County Office of the Coroner/Medical Examiner (the "Coroner") appearing by and through its

counsel, Jackie V. Nichols, and the Court having read and considered all of the papers and pleadings on file, hearing oral argument, and being fully advised, and good cause appearing therefore, the Court hereby makes the following findings of fact and conclusions of law:

I. PROCEDURAL HISTORY AND FINDINGS OF FACT

The Records Request and The Coroner's Response

1. On April 13, 2017, the Review-Journal sent the Coroner a request (the "Request") pursuant to the Nevada Public Records Act, Nev. Rev. Stat. § 239.001 et seq. (the "NPRA") seeking all autopsy reports of all autopsies conducted on anyone under the age of 18 from 2012 through the date of the Request.

2. The Coroner responded via email on April 13, 2017. It provided a spreadsheet with information consisting of the Coroner case number, name of decedent, date of death, gender, age, race, location of death, and cause and manner of death, but refused to provide "autopsy reports, notes or other documents." In its April 13, 2017 email, the Coroner stated it would not disclose the autopsy reports because they contain medical information and confidential information about a decedent's body. The Coroner relied on Attorney General Opinion, 1982 Nev. Op. Atty. Gen. No. 12 ("AGO 82-12") and its legal analysis as the legal basis for non-disclosure.

3. The Review-Journal followed up by emailing the Clark County District Attorney's Office on April 13, 2017, requesting additional legal support for the Coroner's refusal to provide records.

4. The District Attorney's Office, Civil Division, on behalf of the Coroner, responded via email on April 14, 2017, again relying on AGO 82-12 and also relying on Assembly Bill 57, 79th Sess. (Nev. 2017) as the legal bases for its refusal to disclose the requested records.

5. On May 9, 2017, following a meeting between the Coroner and the Review-Journal, the Coroner emailed a second spreadsheet to the Review-Journal listing child deaths dating back to 2011 in which the Coroner conducted autopsies.

1 6. On May 23, 2017, counsel for the Review-Journal wrote to the Coroner to address
2 concerns with the Coroner's refusal to provide access to any of the requested juvenile autopsy
3 reports.

4 7. On May 26, 2017, the Coroner (via the District Attorney) responded to the May
5 23, 2017, letter, again relying on the legal analysis in AGO 82-12, and agreed to consider
6 providing redacted versions of autopsies of juveniles if the Review-Journal provided a specific
7 list of cases it wished to review.

8 8. In its May 26, 2017 response, the Coroner for the first time also asserted that the
9 records may be protected by Nev. Rev. Stat. § 432B.407, which makes documents, including
10 autopsy reports, reviewed by the Child Death team, of which the Coroner is a representative,
11 confidential, and that privacy interests outweighed public disclosure, consistent with the legal
12 analysis articulated in AGO 82-12.

13 9. The Review-Journal provided the Coroner with a list of specific cases it wanted
14 reports for via email on May 26, 2017.

15 10. The Coroner responded to the May 26, 2017 email on May 31, 2017.

16 11. In its May 31, 2017 response, the Coroner stated that due to the magnitude of the
17 request and the review involved, the records would not be made available by the end of the fifth
18 business day. The Coroner further explained that each record would need to be reviewed
19 individually for privileged material and the information subject to privileges would not be
20 disclosed.

21 12. The Coroner also asked the Review-Journal to specify the records it wanted to
22 receive first, which the Review-Journal did on June 12, 2017.

23 13. On July 9, 2017, in a response to a further email from the Review-Journal
24 inquiring on the status of the records, the Coroner indicated it would not produce any records
25 that pertained to any case that was subsequently handled by a child death review team pursuant
26 to Nev. Rev. Stat. § 432B.407. By that time, the Coroner had determined which cases were not
27 handled by the child death review team and provided a list to the Review-Journal.

28

1 14. On July 11, 2017, the Coroner provided sample files of redacted autopsy reports
2 of juveniles that were not handled by a child death review team. The sample files were heavily
3 redacted; the Coroner asserted that the redacted language consisted of information that was
4 medical, related to the health of the decedent's mother, could be marked with stigmata [sic], or
5 considered an invasion of privacy. Statements of diagnosis or opinion that were medical or
6 health related that went to the cause of death were not redacted.

7 15. On July 11, 2017, the Coroner also demanded that the Review-Journal commit to
8 payment for further work in redacting files for production and declined to produce records
9 without payment. The Coroner indicated it would take two persons 10-12 hours to redact the
10 records it was willing to produce, and that the Review-Journal would have to pay \$45.00 an hour
11 for the two reviewers, one of which would be an attorney. The Coroner contended that
12 conducting a privilege review and redacting autopsy reports required the "extraordinary use of
13 personnel" under Nev. Rev. Stat. § 239.055. The Coroner stated it did not intend to seek fees for
14 the work associated with the previously provided spreadsheets and redacted reports.

15 **The Initial Litigation Over the Petition**

16 16. On July 17, 2017, the Review-Journal filed its Application Pursuant to Nev. Rev.
17 Stat. § 239.001/Application for Writ of Mandamus/Application for Declaratory and Injunctive
18 Relief (the "Petition") and requested expedited consideration pursuant to Nev. Rev. Stat. §
19 239.011(2).

20 17. On August 17, 2017, the Review-Journal submitted a Memorandum in support of
21 its Petition. The Coroner submitted its Response on August 30, 2017, asserting a number of
22 arguments in support of confidentiality of personal health and medical information unrelated to
23 the cause or manner of death. The Review-Journal submitted its Reply on September 7, 2017.

24 18. The Court held a hearing on the Review-Journal's Petition on September 28,
25 2017.

26 19. On November 9, 2017, the Court entered an Order rejecting each of the Coroner's
27 arguments and granting the Review-Journal's Petition, requiring the Coroner to produce the
28 requested records (the "Petition Order"). The Court also ordered that the Coroner was not

1 entitled to any fees or costs for producing the records, other than the cost of the medium on
2 which the records were to be electronically provided.

3 The Initial Litigation Regarding Fees and Costs

4 20. On November 26, 2017, the Review-Journal timely filed a Motion for Attorney's
5 Fees and Costs (the "Fees Motion") pursuant to Nev. Rev. Stat. § 239.011(2).

6 21. In its Fees Motion and supporting exhibits, the Review-Journal requested
7 compensation at the following rates for work performed by its attorneys and support staff
8 between July 10, 2017, and November 29, 2017:

9 Attorney/Biller	Hours	Billing Rate	Total Billed
10 Margaret A. McLetchie	27.9	\$450.00	\$12,465.00 ¹
11 Alina M. Shell	51.3	\$350.00	\$17,220.00 ²
12 Leo Wolpert	2.1	\$175.00	\$367.50
13 Pharan Burchfield	8.9	\$150.00	\$1,335.00
14 Administrative Support	6.6	\$25.00	\$165.00
		Total Fees Requested	\$31,552.50

15
16 22. The Review-Journal also requested \$825.02 in costs associated with the litigation,
17 for a combined total request for \$32,377.52 in fees and costs.

18 23. The Review-Journal provided detail for the work performed, as well as
19 declarations supporting the reasonableness of the rates and the work performed.

20 24. The Coroner's Office filed an Opposition to the Fees Motion on December 14,
21 2017, and the Review-Journal filed a Reply on January 4, 2018.

22 25. In its Opposition, the Coroner's Office asserted that pursuant to Nev. Rev. Stat. §
23 239.012—a provision of the NPRA which provides immunity from damages for public officers
24 who act in good faith in disclosing or refusing to disclose records—the Review-Journal had to
25

26 ¹ This total reflected voluntary reductions for some time entries, made by counsel for the Review-
27 Journal in her billing discretion.

28 ² See *supra* n.1.

1 establish the Coroner's Office acted in bad faith in refusing to disclose the requested records to
2 obtain attorney's fees and costs.

3 26. The Court conducted a hearing on the Fees Motion on January 11, 2018.

4 27. On February 1, 2018, the Court entered an Order granting the Review-Journal the
5 entirety of the fees and costs it requested (the "Fees Order").

6 **The Coroner's Appeal of the Petition Order**

7 28. On November 28, 2017, the Coroner filed a Notice of Appeal from Petition Order.

8 29. On November 29, 2017, the Coroner filed a Motion for Stay on an Order
9 Shortening Time requesting that the Court stay the Petition Order pending its appeal.

10 30. The Review-Journal filed an Opposition to the Motion for Stay on December 6,
11 2017, and the Coroner filed a reply on December 8, 2017.

12 31. Following a December 12, 2017, hearing on the Coroner's motion, the Court
13 entered an order on January 11, 2018, granting the Coroner's request for a stay.

14 32. The Coroner filed its Opening Brief in *Clark Cty. Office of the Coroner/Med.*
15 *Exam'r*, Nevada Supreme Court Case No. 74604, on June 6, 2018.

16 33. The Review-Journal filed an Answering Brief on September 6, 2018.

17 **The Coroner's Appeal of the Fees Order**

18 34. On February 5, 2018, the Coroner filed a notice of appeal from the Fees Order.

19 35. The Coroner also filed a Renewed Motion for Stay on an Order Shortening Time
20 on February 5, 2018.

21 36. The Review-Journal filed an opposition to the Coroner's Renewed Motion for
22 Stay on February 13, 2018.

23 37. The Court conducted a hearing on the Coroner's Renewed Motion for Stay on
24 February 15, 2018, and orally denied the request for a stay. The Court subsequently entered a
25 written order denying the stay on March 7, 2018.

26 38. The Coroner filed an Emergency Motion for Stay with the Nevada Supreme Court
27 on March 8, 2018.

28

1 39. The Review-Journal filed an Opposition to the Emergency Motion for Stay on
2 March 21, 2018.

3 40. On April 12, 2018, the Supreme Court entered a decision and order granting the
4 Coroner's request for a stay pending appeal. *See Clark Cty. Office of the Coroner/Medical*
5 *Exam'r v. Las Vegas Review-Journal*, 415 P.3d 16, 17 (Nev. 2018).

6 **The Outcome of the Coroner's Appeals**

7 41. The Nevada Supreme Court conducted a consolidated oral argument on the
8 Coroner's appeals of the Petition Order and the Fees Order on October 7, 2019.

9 42. On February 27, 2020, the Supreme Court issued a written opinion affirming in
10 part and reversing in part the Court's orders and remanding the case back to this Court. *See Clark*
11 *Cty. Office of the Coroner/Medical Exam'r v. Las Vegas Review-Journal*, 458 P.3d 1048, 1050
12 (2020).

13 43. In its opinion, the Supreme Court found, in favor of the Review-Journal, that
14 juvenile autopsy reports are public records and cannot be withheld, as the Coroner argued, in
15 their entirety. *See generally Clark County Office of the Coroner/Medical Examiner v. Las Vegas*
16 *Review-Journal*, 136 Nev. 44, 59-60, 458 P.3d 1048, 1061 (2020). The Supreme Court also
17 found that the Coroner properly relied on AGO 82-12 and had established a nontrivial privacy
18 interest with respect to certain health and medical information contained in the records and
19 remanded the matter to this Court to apply the two-part balancing test adopted in *Clark Cty.*
20 *School Dist. v. Las Vegas Review-Journal*, 134 Nev. 700, 429 P.3d 313 (2018).

21 44. The Supreme Court further reversed the district court's ruling and concluded that
22 the Coroner did not waive its ability to rely on NRS 432B.407(6) simply because it did not assert
23 the privilege within the first five (5) business days. *Coroner*, 136 Nev. at 49-50, 458 P.3d 1053-
24 54.

25 45. With regard to the Coroner's appeal of the Fees Order, the Supreme Court held
26 that, in light of its remand order, it was "premature to conclude whether [the Review-Journal
27 would] ultimately prevail in its NPRA action" because "[t]he district court must decide the extent
28

1 to which the juvenile autopsy reports contain private information that the Coroner's Office
2 should redact." *Coroner*, 136 Nev. at 61, 458 P.3d at 1061.

3 Proceedings on Remand

4 46. On August 27, 2020, the Review-Journal filed its Opening Brief on Remand.

5 47. The Coroner filed an Answering Brief on Remand on October 7, 2020, and the
6 Review-Journal filed a Reply Brief on October 22, 2020.

7 48. The Court conducted a hearing on remand on October 29, 2020, and again ruled
8 in the Review-Journal's favor, mandating the Coroner's Office provide "all of the juvenile
9 autopsy reports that were originally requested by the Plaintiff." (Transcript of October 29, 2020,
10 Hearing, p. 37:1-3.) The Court also noted that "based upon today's ruling, the Court finds that
11 the Plaintiff is the prevailing party and will consider its supplemental application for fees and
12 costs, including those that were previously awarded." (*Id.*, p. 37:15-18.)

13 49. On November 20, 2020, the Court entered a written order directing the Coroner to
14 produce the autopsy reports (the "Order on Remand").

15 50. Also on November 20, 2020, the Coroner filed a Motion for Stay on Order
16 Shortening Time.

17 51. The Review-Journal filed an Opposition to the Motion for Stay on November 30,
18 2020, and the Coroner filed a Reply on December 7, 2020.

19 52. The Court conducted a hearing on the Motion for Stay on Order Shortening Time
20 on December 10, 2020, and entered a written order denying the motion on December 15, 2020.

21 53. On December 15, 2020, the Coroner filed an appeal from the Order on Remand.

22 54. On December 17, 2020, the Coroner filed an Emergency Motion with the Nevada
23 Supreme Court seeking a stay of the Order on Remand pending appeal.

24 55. The Review-Journal filed an opposition to the Emergency Motion on December
25 24, 2020.

26 56. On December 29, 2020, the Supreme Court entered an order denying the
27 Coroner's Emergency Motion.
28

57. The Coroner filed an Emergency Motion for Reconsideration with the Supreme Court on December 29, 2020. The Supreme Court issued an order denying the request for reconsideration on December 30, 2020.

58. On December 31, 2020, the Coroner moved to voluntarily dismiss its appeal of the Order on Remand.

59. On January 12, 2020, the Supreme Court issued an order dismissing the Coroner's appeal.

The Review-Journal's Amended Motion for Fees and Costs

60. On February 2, 2021, the Review-Journal filed an Amended Motion for Attorney's Fees and Costs seeking an award of all fees and costs it accrued in this matter, including the fees previously addressed in the Court's Fees Order.

61. In its Motion and supporting Exhibits, the Review-Journal requested compensation at the following rates for additional work performed by its attorneys and support staff between November 9, 2017, and February 2, 2021:

November 9, 2017 – December 31, 2019³			
Billor	Hours	Billing Rate	Total Billed
Margaret McLetchie	109.0	\$450.00	\$49,050.00
Alina Shell	114.8	\$350.00	\$40,180.00
Leo Wolpert	53.0	\$200.00	\$10,600.00
Carly Krygier	0.2	\$200.00	\$20.00
Jessica Brown	48.3	\$200.00	\$9,680.00
Pharan Burchfield	25.6	\$150.00	\$3,840.00
Lacey Ambro (administrative work)	4.0	\$50.00	\$200.00
January 1, 2020 – February 2, 2021			
Billor	Hours	Billing Rate	Total Billed
Margaret McLetchie	145.00	\$500.00	\$72,500.00
Alina Shell	113.6	\$375.00	\$42,600.00
Leo Wolpert	38.9	\$250.00	\$9,725.00
Pharan Burchfield	23.8	\$175.00	\$4,165.00
Lacey Ambro	9.1	\$150.00	\$1,365.00

³ During the March 2, 2021, hearing on the Review-Journal's Amended Motion, counsel for the Review-Journal noted that the Amended Motion inadvertently sought compensation for time expended by attorneys and staff that was previously included in its November 29, 2017, Motion for Attorney's Fees and Costs. The hours listed above reflected the corrected time expended by counsel and staff.

(paralegal work)			
Administrative staff	7.1	\$25.00	\$177.50
Total Fees Requested			\$244,087.50

62. The Review-Journal provided detail for the work performed, as well as a declaration supporting the reasonableness of the rates and the work performed.

63. Combined with the \$31,552.50 it requested in the Fees Motion, the Review-Journal requested \$275,640.00 in attorney's fees.

64. The Review-Journal also requested \$3,581.48 in costs associated with the litigation.

65. The Coroner filed an Opposition to the Review-Journal's Amended Motion on February 16, 2021, and the Review-Journal filed a Reply on February 23, 2021. In its Reply, the Review-Journal acknowledged that it erroneously included a \$600 time entry for work performed by counsel in drafting a letter to the Clark County Commission Board of County Commissioners and agreed not to see fees associated with that work.

66. This Court conducted a hearing on the Review-Journal's Amended Motion on March 2, 2021.

67. At the hearing, counsel for the Review-Journal indicated that there was a \$2,515.00 inadvertent entry of time covered by the Review-Journal's November 27, 2017, Motion for Attorney's Fees and Costs.

II. CONCLUSIONS OF LAW AND FACT

The Review-Journal is the Prevailing Party.

68. Recovery of attorney's fees as a cost of litigation is permissible by agreement, statute, or rule. *See Sandy Valley Assocs. v. Sky Ranch Estates Owners Ass'n*, 117 Nev. 948, 956, 35 P.3d 964, 969 (2001).

69. Here, recovery of attorney's fees is authorized by the NPRA, which provides in pertinent part that, "[i]f a requester prevails [on a petition brought pursuant to the NPRA], the requester is entitled to recover his or her costs and reasonable attorney's fees in the proceeding

1 from the governmental entity whose officer has custody of the book or record.” Nev. Rev. Stat. §
2 239.011(2).

3 70. The Nevada Supreme Court has explained that “by its plain meaning, [Nev. Rev.
4 Stat. § 239.011(2)] grants a requester who prevails in NPRA litigation the right to recover
5 attorney fees and costs.” *LVMPD v. Blackjack Bonding*, 131 Nev. 80, 89, 343 P.3d 608, 615
6 (2015); accord *Clark Cty. Office of Coroner/Med. Exam’r v. Las Vegas Review-Journal*, 136
7 Nev. 44, 60, 458 P.3d 1048, 1061 (2020).

8 71. A party seeking records need not succeed on all its claims in order to be entitled
9 to an award of fees. Instead, a party “prevails” for the purposes of a fees award “if it succeeds on
10 any significant issue in the litigation which achieves some of the benefit it sought in bringing
11 suit.” *Valley Elec. Ass’n v. Overfield*, 121 Nev. 7, 10, 106 P.3d 1198, 1200 (2005) (internal
12 citations omitted); accord *Blackjack Bonding*, 131 Nev. at 90, 343 P.3d at 615.

13 72. A party who substantially prevails is entitled to recoup all attorney’s fees and
14 costs, even if that party did not ultimately succeed on all claims. *University of Nevada v.*
15 *Tarkanian*, 110 Nev. 581, 595-598, 879 P.2d 1180, 1189-90 (1994).

16 73. The Review-Journal prevailed on a significant issue, in which was obtaining
17 unredacted copies of the records.

18 74. Accordingly, the Review-Journal is the prevailing party in this matter and is
19 entitled to an award of reasonable attorney’s fees and costs.

20 **The Brunzell Factors Support an Award of Fees and Costs to the Review-Journal.**

21 75. The Review-Journal is entitled to its “reasonable” attorney’s fees and costs in this
22 matter.

23 76. Pursuant to *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 455 P.2d 31 (1969),
24 a court must consider four elements in determining the reasonable value of attorneys’ services:

25 (1) the qualities of the advocate: his ability, his training, education, experience,
26 professional standing and skill; (2) the character of the work to be done: its
27 difficulty, its intricacy, its importance, time and skill required, the responsibility
28 imposed and the prominence and character of the parties where they affect the
importance of the litigation; (3) the work actually performed by the lawyer: the
skill, time and attention given to the work; (4) the result: whether the attorney was
successful and what benefits were derived.

1 *Brunzell*, 85 Nev. at 349, 455 P.2d at 33 (citation omitted); *accord Shuette v. Beazer Homes*
2 *Holding Corp.*, 121 Nev. 837, 864-65, 124 P.3d 530, 548-49 (2005).

3 77. After a court has determined that attorney's fees are appropriate, it must then
4 multiply the number of hours reasonably spent on the case by a reasonable hourly rate to reach
5 the lodestar amount. *Herbst v. Humana Health Ins.*, 105 Nev. 586, 590, 781 P.2d 762, 764
6 (1989) (citations omitted). There is a strong presumption that the lodestar rate is reasonable. *Id.*

7 78. Alternatively, "in determining the amount of fees to award, the court is not
8 limited to one specific approach; its analysis may begin with any method rationally designed to
9 calculate a reasonable amount, including those based on a 'lodestar' amount." *Shuette v. Beazer*
10 *Homes Holdings Corp.*, 121 Nev. 837, 864, 124 P.3d 530, 549 (2005); *accord Haley v. Eighth*
11 *Judicial Dist. Court of Nev.*, 128 Nev. 171, 178, 273 P.3d 855, 860 (2012). Regardless of which
12 method is chosen as a starting point, however, the court must continue its analysis by considering
13 the requested amount in light of the *Brunzell* factors. *Shuette*, 121 Nev. at 865, 124 P.3d at 549.

14 79. As to the first *Brunzell* factor, the "qualities of the advocate," the Court finds that
15 the rates sought for the Review-Journal's counsel and support staff are reasonable in light of
16 their ability, training, education, experience, professional standing and skill. The rates sought for
17 staff are also reasonable and compensable.

18 80. The Court also finds that the second *Brunzell* factor, the "character of the work"
19 performed in this case, *Brunzell*, 85 Nev. at 349, 455 P.2d at 33, weighs in favor of a full award
20 of fees and costs to the Review-Journal. This case involved an unsettled and contentious area of
21 public records law with serious legal questions of public importance. The Coroner asserted a
22 number of claims of confidentiality requiring versatility and comfort with various areas of state
23 and federal law. And, as the NPRA reflects, the work involved in seeking access to public
24 records is important: access to public records fosters democratic principles. Nev. Rev. Stat. §
25 239.001(1). Representing the newspaper of record also necessarily involves a high level of
26 responsibility and immediate attention. Further, NPRA matters involve matters of high
27 prominence.
28

1 81. As to the third factor, the work actually performed by counsel, litigation of this
2 matter required a firm understanding and application of the NPRA, as well as state and federal
3 laws. As demonstrated by the record of this case and the fees detail provided by the Review-
4 Journal, counsel for the Review-Journal dedicated substantial time and resources to thoroughly
5 researching and briefing each issue in this matter at both the district court and appellate levels
6 and demonstrated substantial skill in the work performed. This factor therefore weighs in favor
7 of awarding the Review-Journal attorney's fees and costs.

8 82. The final *Brunzell* factor requires this Court to consider "the result: whether the
9 attorney was successful and what benefits were derived." *Brunzell*, 85 Nev. at 349, 455 P. 2d at
10 33.

11 83. As set forth above, the Review-Journal is the prevailing party in this public
12 records litigation, and as a result of its counsel's efforts, obtained an order from this Court
13 directing the Coroner's Office to produce all of the requested autopsy records.

14 84. Thus, this final factor weighs in favor of an award of fees and costs to the
15 Review-Journal.

16 85. Based upon the Court's review of the documentation provided by the Review-
17 Journal and the Court's experience in insurance litigation, the Court finds the Review-Journal is
18 awarded \$167,200.00 in attorneys' fees.

19 86. As noted above, the Court has reduced the award to reflect the inadvertent entry
20 of time covered by the Review-Journal's November 27, 2017, Motion for Attorney's Fees and
21 Costs in the amount of \$2,075.00, which was raised for the first time at oral argument.

22 87. In addition, the Court notes that the Review-Journal acknowledged in its filings
23 and at the hearing that it had erroneously sought \$600 in fees for work performed by counsel in
24 drafting a letter to the Clark County Board of County Commissioners and agreed not to seek the
25 fees associated with that entry.

26 88. Subsequently, however, the Review-Journal filed an Errata that provided that the
27 Review-Journal inadvertently included time entries which were initially part of the 2017
28

1 application amounting to \$2,515.00, a difference of \$440.00 from what the Court considered at
2 the hearing.

3 89. Accordingly, with the additional \$440.00 reduction, the Review-Journal is entitled
4 to an award of attorney fees in the amount of \$166,760.00.

5 90. As noted above, the Review-Journal also requested \$3,581.48 in costs associated
6 with this matter. After reviewing the documentation provided by the Review-Journal in support
7 of its costs, the Court finds that a reduction is necessary to ensure that the costs are reasonable.

8 91. The Court therefore finds the Review-Journal is entitled to an award of costs in
9 the amount of \$2,472.00.

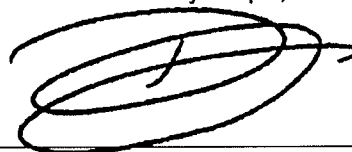
10 **III. ORDER**

11 Based on the foregoing findings of fact and conclusions of law, the Court hereby
12 ORDERS as follows:

13 IT IS HEREBY ORDERED that the Coroner must pay the Review-Journal \$166,760.00
14 for the reasonable attorney's fees the Review-Journal expended in litigating this matter within 30
15 days of the entry of this Order.

16 IT IS HEREBY FURTHER ORDERED that the Coroner must pay the Review-Journal
17 \$2,472.00 for the costs the Review-Journal incurred in this litigation within 30 days of entry of
18 this Order.

Dated this 8th day of April, 2021



DISTRICT COURT JUDGE

21 Respectfully Submitted By:
22 MARQUIS AURBACH COFFING

F7A 9C3 0126 B89C
David M Jones
District Court Judge

23
24 By: /s/ Jackie V. Nichols
25 Craig R. Anderson, Esq.
26 Nevada Bar No. 6882
27 Jackie V. Nichols, Esq.
28 Nevada Bar No. 14246
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Respondent, Clark County Office of the Coroner/Medical Examiner

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Las Vegas Review-Journal,
Plaintiff(s)

CASE NO: A-17-758501-W

7 vs.

DEPT. NO. Department 29

8
9 Clark County Office of the
Coroner/ Medical Examiner,
10 Defendant(s)

11
12 **AUTOMATED CERTIFICATE OF SERVICE**

13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing Order Granting Motion was served via the court's electronic eFile
15 system to all recipients registered for e-Service on the above entitled case as listed below:

16 Service Date: 4/8/2021

17 Krista Busch	kbusch@maclaw.com
18 Alina Shell	alina@nvlitigation.com
19 Margaret McLetchie	maggie@nvlitigation.com
20 Jackie Nichols	jnichols@maclaw.com
21 Leah Dell	ldell@maclaw.com
22 Sherri Mong	smong@maclaw.com
23 Craig Anderson	canderson@maclaw.com
24 LAURA Rehfeldt	laura.rehfeldt@clarkcountyda.com
25 Shannon Fagin	shannon.fagin@clarkcountyda.com

26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

September 28, 2017

A-17-758501-W Las Vegas Review-Journal, Plaintiff(s)
vs.
Clark County Office of the Coroner/ Medical Examiner, Defendant(s)

**September 28, 2017 9:00 AM Petition for Writ of
Mandamus**

HEARD BY: Crockett, Jim

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Katrina Hernandez

RECORDER:

REPORTER:

PARTIES

PRESENT: McLetchie, Margaret A. Attorney
 Shell, Alina Attorney

JOURNAL ENTRIES

- Laura Rehfeldt, Esq. present on behalf of Defendant.

Court noted the arguments by Counsel and cited from applicable Attorney General's opinions as well as AB 57. Court noted arguments by Counsel, commented on the balance of interests, and FINDS it is clearly outweighed by public interest. Court noted its further inclinations. Arguments by Counsel. COURT ORDERED, motion GRANTED and Court DECLARES they are public records and must be provided to the requestor with statutory legal authority within 5 DAYS. As to attorneys fees for review, redaction fees, and fee per copy, COURT ORDERED, discs to be produced at \$15.00 per disc, production due as the discs are created, and complete production no later than 12/28/17. Court further noted any justifications for redactions need to be asserted. Court further stated its findings. Ms. Shell to prepare the order, circulate to opposing Counsel for approval as to form and content only, and submit it to the Court within TEN days after the transcript is received.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

December 12, 2017

A-17-758501-W Las Vegas Review-Journal, Plaintiff(s)
vs.
Clark County Office of the Coroner/ Medical Examiner, Defendant(s)

December 12, 2017 9:00 AM Motion For Stay

HEARD BY: Crockett, Jim

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Katrina Hernandez

RECORDER:

REPORTER:

PARTIES

PRESENT: McLetchie, Margaret A. Attorney
Rehfeldt, Laura C Attorney

JOURNAL ENTRIES

- Court noted its prior ruling in declaring they were public records and today is Defendant's motion for stay. Court noted the arguments of Counsel and noted Defendant's should have properly moved to stay, however it would defeat the purpose if they let these out when there's a possibility it could be appealed, and as time is not of the essence, Court is inclined to grant the stay. Arguments by Ms. McLetchie in opposition. Court stated its findings and ORDERED, stay GRANTED. Court stated it doesn't think a bond is appropriate and Counsel agreed. Ms. McLetchie further requested a release of the documents with redactions and Court DENIED the request. Ms. Rehfeldt to prepare the order, circulate for approval as to form and content, and submit it within TEN days per EDCR 7.21.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

January 11, 2018

A-17-758501-W	Las Vegas Review-Journal, Plaintiff(s) vs. Clark County Office of the Coroner/ Medical Examiner, Defendant(s)
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January 11, 2018	9:00 AM	Motion for Attorney Fees and Costs
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HEARD BY: Crockett, Jim

COURTROOM: Phoenix Building 11th Floor
116

COURT CLERK: Katrina Hernandez

RECORDER:

REPORTER: Bill Nelson

PARTIES

PRESENT:	McLetchie, Margaret A. Rehfeldt, Laura C	Attorney Attorney
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JOURNAL ENTRIES

- Court noted the details of the Court's prior ruling, stated the arguments of Counsel and noted its comments and inclinations. Court agreed Plaintiff is entitled to reasonable fees of \$31,552.50 and costs of \$825.02. Arguments by Ms. Rehfeldt in opposition of Plaintiff's. Court stated its findings and ORDERED, motion GRANTED. Ms. McLetchie to submit the order within TEN days per EDCR 7.21.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

February 15, 2018

A-17-758501-W	Las Vegas Review-Journal, Plaintiff(s) vs. Clark County Office of the Coroner/ Medical Examiner, Defendant(s)
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February 15, 2018 9:00 AM Motion to Stay

HEARD BY: Crockett, Jim **COURTROOM:** Phoenix Building 11th Floor
116

COURT CLERK: Katrina Hernandez

RECORDER:

REPORTER: Dana J. Tavaglione

PARTIES

PRESENT:	Echols, Micah S. McLetchie, Margaret A. Rehfeldt, Laura C	Attorney Attorney Attorney
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JOURNAL ENTRIES

- Court stated it doesn't not think that the stay is warranted for the reasons stated in the opposition; the circumstances in this request are very different from the Court granting the stay of the case. Court further inquired whether the County is immune from a bond and Ms. Rehfeldt answered in the affirmative. Court further stated its findings. Arguments by Ms. Rehfeldt. COURT ORDERED, motion DENIED; Ms. McLetchie to prepare the order, circulate for approval as to form and content, and submit it within TEN days per EDCR 7.21. Colloquy regarding EDCR 2.20. COURT FURTHER ORDERED, automatic temporary stay of order granting attorney's fees will expire TEN days from entry of order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

April 15, 2020

A-17-758501-W Las Vegas Review-Journal, Plaintiff(s)
vs.
Clark County Office of the Coroner/ Medical Examiner, Defendant(s)

April 15, 2020 3:00 AM Status Check

HEARD BY: Crockett, Jim

COURTROOM: No Location

COURT CLERK: Rem Lord

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- A-17-758501-W

Las Vegas Review-Journal, Plaintiff(s) vs. Clark County Office of the Coroner/ Medical Examiner,
Defendant(s)
Status Check
Supreme Court Appeal

On 2/27/20 the Supreme Court filed its Opinion in this matter. It affirmed the District Court's decision that the Coroner's Office was obliged to disclose unredacted autopsy reports:

"The Coroner's Office argues that it may refuse to disclose a juvenile autopsy report once it has provided the report to a Child Death Review (CDR) team under NRS 432B.407(6). We disagree. Because NRS 432B.407(6) limits access to public information, particularly information that the Legislature has determined should be generally available to the public, we interpret NRS 432B.407(6)'s confidentiality provision narrowly and conclude that it applies strictly to the CDR team as a whole and may not be invoked by individual agencies within a CDR team to limit access to information the agency holds outside of its role on the team."

It also held that the juvenile autopsy reports might include private information that needs to be

PRINT DATE: 05/11/2021

Page 5 of 14

Minutes Date: September 28, 2017

protected and that hearings would need to be conducted in that regard:

"We agree, however, with the Coroner's Office's argument that juvenile autopsy reports may include sensitive, private information and that such information may be properly redacted as privileged. In this regard, we conclude that the district court erred when it ordered the production of unredacted juvenile autopsy reports. We therefore remand for the district court to assess whether any such information that may be contained in the requested autopsy reports should be redacted under the test adopted in *Clark County School District v. Las Vegas Review-Journal*, 134 Nev. 700, 707-08, 429 P.3d 313, 320-21 (2018), and we explain the amount the Coroner's Office may collect for expending resources to provide any such redaction."

The Supreme Court affirmed the District Court's decision that the County was not immune from an award of attorney fees to a prevailing party records requester but held the award was premature because it remains to be determined whether the *Las Vegas Review-Journal* is the prevailing party in the underlying action:

"In addition, we reject the Coroner's Office's argument that NRS 239.012 immunizes a governmental entity from an award of attorney fees when the entity, in response to a records request, withholds public records in good faith. We conclude instead that NRS 239.012's immunity provision applies explicitly to damages and should be interpreted independently from NRS 239.011, which entitles a prevailing records requester to recover attorney fees and costs regardless of whether the government entity withholds requested records in good faith. Thus, a governmental entity is not immune from an attorney fees award to which a prevailing records requester is entitled under NRS 239.011. We vacate the district court's award of attorney fees to LVRJ because it is premature to determine here whether the LVRJ is the prevailing party in the underlying NPRA action."

The Supreme Court remanded for the District Court to assess what information should be disclosed and what should be permissibly redacted:

"Accordingly, we remand for the district court to determine, under the *Cameranesi* test, what autopsy report information should be disclosed under the NPRA and what information should be redacted as private medical or health-related information."

The Supreme Court also limited the fees the County could collect to 50 cents per page, declining the County's request for \$45 per hour for staff to review, etc.

Regarding attorney fees and immunity, the Supreme Court said:

Here, however, it is premature to conclude whether LVRJ will ultimately prevail in its NPRA action. The district court must decide the extent to which the juvenile autopsy reports contain private information that the Coroner's Office should redact. We conclude that NRS 239.012, as a matter of law, immunizes a governmental entity from "damages," and that the term does not encompass attorney fees and costs.⁶

fn 6. In light of our decision to reverse and remand for further proceedings, we leave to the sound discretion of the district court the determination of whether LVRJ is entitled to attorney fees as the prevailing party in this action.

The Supreme Court Conclusion is excerpted below for the sake of completeness:

We conclude that the Coroner's Office has not demonstrated that NRS 4328.407(6), or any other authority, authorizes it to withhold juvenile autopsy reports in their entirety in response to a public records request. To the extent that the requested reports may contain private information or confidential medical information, we remand for the district court to evaluate under Cameranesi the scope of information that should be redacted from the reports. While NRS 239.012 does not immunize the Coroner's Office from an award of attorney fees as a matter of law, we nonetheless vacate the district court's award of attorney fees because it cannot yet be determined whether LVRJ is a prevailing party in its underlying NPRA action. In light of the foregoing, we affirm the district court's conclusion that the Coroner's Office may not rely on NRS 4328.407(6) to withhold juvenile autopsy reports in their entirety in response to a public records request. We further affirm the district court's conclusion that NRS 239.012 does not immunize a governmental entity from an award of attorney fees to which a prevailing records requester in a public records action is entitled. We reverse the district court's order requiring production of unredacted juvenile autopsy reports, and we remand for the district court to assess the extent to which the reports may contain private information and medical or other health-related information that should be redacted. Finally, because it is not yet determined what information LVRJ will ultimately obtain as a result of its petition, we cannot yet conclude whether Las Vegas Review-Journal is a prevailing party, and we accordingly vacate the district court's order awarding attorney fees to Las Vegas Review-Journal.

Court ORDERED, the Parties must now proceed forward to gather such information and conduct such discovery as is necessary to address the Supreme Court's decision and for future District Court proceedings. Parties to meet and confer regarding a Discovery Plan for the exchange of documents and/or additional Briefing Schedule on future Motions, and submit a Stipulation and Order to the Court.

Proposed SAO due 14 days?

Set a Status Check: Filing of SAO Hearing _____ 30 days out? _____

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

May 18, 2020

A-17-758501-W Las Vegas Review-Journal, Plaintiff(s)
vs.
Clark County Office of the Coroner/ Medical Examiner, Defendant(s)

May 18, 2020 3:00 AM Status Check

HEARD BY: Crockett, Jim

COURTROOM: Phoenix Building 11th Floor
116

COURT CLERK: Rem Lord

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- COURT NOTES as of 5/18/20 when this matter was being reviewed in prep for hearing, no Stipulation and Order has been filed. COURT ORDERED, matter CONTINUED to 6/18/20 and if the Stipulation and Order has not been filed by then, all counsel will be subject to an Order to Show Cause to pay \$250 to the Legal Aid Center of Southern Nevada or the Clark County Law Library.

CONTINUED TO: 6/18/2020 9:00 AM

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey
File & Serve. /rl 5/18/2020

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus**COURT MINUTES****October 29, 2020**

A-17-758501-W	Las Vegas Review-Journal, Plaintiff(s)
	vs.
	Clark County Office of the Coroner/ Medical Examiner, Defendant(s)

October 29, 2020	9:00 AM	Hearing	Hearing on briefs re: Remand
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HEARD BY: Crockett, Jim	COURTROOM: Phoenix Building 11th Floor 116
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COURT CLERK: Rem Lord

RECORDER: Nancy Maldonado

REPORTER:

PARTIES

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

JOURNAL ENTRIES

- ALSO PRESENT: Benjamin Lipman, Counsel for the Las Vegas Review Journal, and Arthur Kane.

The original issue was Plaintiff sought unredacted juvenile autopsy reports from the Clark County Coroner's Office for investigative reasons. The case went up to the Supreme Court, and the Supreme Court issued an Opinion. The case was Remanded for Judge Crockett to apply the balancing test regarding a non-trivial privacy interest, and whether or not it is outweighed by the significant public interest. The Court addressed counsel. Argument by Ms. McLetchie.

The Court stated it appears that the Coroner's Office wants to also serve as the judicial decider by providing a spreadsheet and redacted records, and everyone should accept on face value the contention that it is everything that pertains to the cause of death. Anything redacted doesn't need to be seen. The Court addressed the value of transparency in our Government, and the value of public

oversight. Argument by Ms. Nichols. The Court offered to perform an in camera review of unredacted juvenile autopsy reports with an explanation from a qualified expert. Ms. Nichols stated an in camera review would address her concerns. Colloquy.

Upon the Court's inquiry, Ms. McLetchie didn't know the number of juvenile autopsy reports. Argument by Ms. McLetchie. Judge Crockett FINDS the multiple significant public interests identified in Ms. McLetchie's brief SUBSTANTIALLY OUTWEIGHS the non-trivial privacy interests asserted by the Coroner's Office. Ms. Nichols believes there are 600 to 700 juvenile autopsy reports. Colloquy regarding the autopsy reports are not redacted. Arguments by counsel.

COURT ORDERED, autopsy reports requested by the Las Vegas Review Journal will be produced in an UNREDACTED format within 30 days of today's date; the Coroner's Office can determine the charges as discussed; for hard copies, the charge is capped at fifty cents per page pursuant to the Supreme Court's Opinion (page 24). Argument by Ms. McLetchie. The Court alerted both sides that given today's ruling it is only a matter of time before the Court declares Plaintiff to be the prevailing party, and it will become relevant on the issue of fees and costs. Colloquy regarding actual costs must be disclosed by the Coroner's Office.

Ms. McLetchie addressed costs. The Court addressed counsel on the cost of medical records. Colloquy. The Court stated electronic copies are fine. COURT ORDERED, the Coroner's Office can charge for a digital medium (CD). Nothing further from counsel. Based upon today's ruling, COURT ORDERED, PLAINTIFF IS THE PREVAILING PARTY, and Plaintiff can submit a supplemental Application for fees and costs, including those previously awarded. Ms. McLetchie to prepare the Order.

CLERK'S NOTE: Minute Order typed from JAVS. (jl 12-16-2020)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

December 10, 2020

A-17-758501-W	Las Vegas Review-Journal, Plaintiff(s)
	vs.
	Clark County Office of the Coroner/ Medical Examiner, Defendant(s)

December 10, 2020 9:00 AM All Pending Motions

HEARD BY: Crockett, Jim **COURTROOM:** Phoenix Building 11th Floor
116

COURT CLERK: Jill Chambers

RECORDER: Nancy Maldonado

REPORTER:

PARTIES

PRESENT:	McLetchie, Margaret A.	Attorney
	Nichols, Jacqueline	Attorney

JOURNAL ENTRIES

- RESPONDENT CLARK COUNTY OFFICE OF THE CORONER/MEDICAL EXAMINER'S
MOTION TO STAY ON AN ORDER SHORTENING TIME...PETITIONER LAS VEGAS REVIEW
JOURNAL'S MOTION TO ORDER SHOW CAUSE ON ORDER SHORTENING TIME

Court reviewed its notes with counsel. Upon the Court's inquiry, Ms. Nichols stated she had nothing to add. Ms. McLetchie argued.

COURT ORDERED, as to the Motion to Stay, DENIED, stated findings and directed Ms. McLetchie to prepare the order.

As to the Motion to Order Show Cause, COURT ORDERED, DENIED and extended the deadline to produce un-redacted autopsy reports to no later than 12/30/20. Ms. Nichols to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

January 27, 2021

A-17-758501-W	Las Vegas Review-Journal, Plaintiff(s) vs. Clark County Office of the Coroner/ Medical Examiner, Defendant(s)
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January 27, 2021	9:00 AM	Motion for Attorney Fees and Costs
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HEARD BY: Jones, David M	COURTROOM: RJC Courtroom 15A
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COURT CLERK: Michaela Tapia

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

PRESENT:	Beckstrom, James A.	Attorney
	Shell, Alina	Attorney

JOURNAL ENTRIES

- Argument by Ms. Shell and requested she be permitted to amend the motion by 2/2/21; coroner to file response by 2/16/21; and Plaintiff's reply due by 2/25/21. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 2/25/21 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

February 25, 2021

A-17-758501-W Las Vegas Review-Journal, Plaintiff(s)
vs.
Clark County Office of the Coroner/ Medical Examiner, Defendant(s)

**February 25, 2021 9:00 AM Motion for Attorney Fees
and Costs**

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Michaela Tapia

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

PRESENT: Shell, Alina Attorney

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED.

CONTINUED TO: 3/2/21 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

March 02, 2021

A-17-758501-W Las Vegas Review-Journal, Plaintiff(s)
vs.
Clark County Office of the Coroner/ Medical Examiner, Defendant(s)

March 02, 2021 9:00 AM All Pending Motions

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Michaela Tapia

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

PRESENT: McLetchie, Margaret A. Attorney
Shell, Alina Attorney

JOURNAL ENTRIES

- PLAINTIFF'S AMENDED MOTION FOR ATTORNEY'S FEES AND COSTS ... PETITIONER LAS VEGAS REVIEW-JOURNAL'S SUPPLEMENTAL MOTION FOR ATTORNEY'S FEES AND COSTS

Following arguments by counsel, COURT ORDERED, motion GRANTED; Plaintiff awarded \$2,472.99 in costs and \$167,200.00 in fees. Plaintiff to prepare the order.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

MARGARET A. MCLEATCHIE, ESQ.
701 E. BRIDGER AVE., STE 520
LAS VEGAS, NV 89101

DATE: May 11, 2021
CASE: A-17-758501-W

RE CASE: LAS VEGAS REVIEW JOURNAL vs. CLARK COUNTY OFFICE OF THE CORONER/MEDICAL EXAMINER

NOTICE OF APPEAL FILED: May 7, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

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; ORDER GRANTING PETITIONER LAS VEGAS REVIEW-JOURNAL'S AMENDED MOTION FOR ATTORNEY'S FEES AND COSTS; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

LAS VEGAS REVIEW JOURNAL,

Plaintiff(s),

vs.

CLARK COUNTY OFFICE OF THE
CORONER/MEDICAL EXAMINER,

Defendant(s),

Case No: A-17-758501-W

Dept No: XXIX

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 11 day of May 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk