

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAS VEGAS REVIEW-JOURNAL,
Appellant,

vs.

CLARK COUNTY OFFICE OF THE
CORONER/MEDICAL EXAMINER,

Respondent.

Electronically Filed
Sep 14 2021 02:17 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
SUPREME COURT CASE NO:
82908

JOINT APPENDIX – VOLUME VI

Appeal from Eighth Judicial District Court, Clark County
The Honorable David M. Jones, District Judge
District Court Case No. A-17-758501-W

Margaret A. McLetchie, Nevada Bar No. 10931

MCLETCHIE LAW

602 South Tenth Street

Las Vegas, Nevada 89101

Telephone: (702) 728-5300

Fax: (702) 425-8220

Email: maggie@nvlitugation.com

Counsel for Appellant, Las Vegas Review-Journal

INDEX TO JOINT APPENDIX

Vol.	Description	Date	Bates
V	Amended Memorandum of Costs and Disbursements	02/02/2021	JA0774- JA1000
VI	Amended Motion for Attorney's Fees and Costs	02/02/2021	JA1001- JA1132
I	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	JA0012- JA0143
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	08/17/2017	JA0162- JA0195
III	Court Minutes on Hearing re: Briefs on Remand	10/29/2020	JA0579- JA0580
VI	Court Minutes on Hearing re: Plaintiff's Amended Motion for Attorney's Fees and Costs	03/02/2021	JA1205
III	Court Minutes on Hearings re: Respondent Clark County Office of the Coroner/Medical Examiner's Motion to Stay on an Order Shortening Time and Petitioner Las Vegas Review Journal's Motion to Order to Show Cause on OST	12/10/2020	JA0705
VII	Errata to Amended Motion for Attorney's Fees and Costs	03/26/2021	JA1222- JA1267
I	Memorandum in Support of Application Pursuant to Nev. Rev. Stat. 239.001/ Petition for Writ of Mandamus/ Application for Declaratory and Injunctive Relief	08/17/2017	JA0144- JA0161
II	Notice of Appeal [Petition]	11/28/2017	JA0413- JA0414
VII	Notice of Appeal [Amended Fees]	05/07/2021	JA1301- JA1302
II	Notice of Appeal [Fees]	02/05/2018	JA0470- JA0471

Vol.	Description	Date	Bates
IV	Notice of Appeal [Order on Remand]	12/15/2020	JA0724- JA0746
III	Notice of Entry of Motion for an Order to Show Cause on an Order Shortening Time	12/08/2020	JA0681- JA0704
VII	Notice of Entry of Order Granting Petitioner Las Vegas Review-Journal's Amended Motion for Attorney's Fees and Costs	04/08/2021	JA1283- JA1300
II	Notice of Entry of Order Granting Petitioner Las Vegas Review-Journal's Motion for Attorney's Fees and Costs	02/01/2018	JA0454- JA0469
II	Notice of Entry of Order Granting Petitioner LVRJ's Public Records Act Application Pursuant to Nev. Rev. Stat. 239.001/ Petition for Writ of Mandamus	11/09/2017	JA0398- JA0412
III	Notice of Entry of Order on Remand	11/20/2020	JA0619- JA0637
III	Opposition to Motion to Stay on an Order Shortening Time	11/30/2020	JA0649- JA0671
IV	Order Denying Petitioner Las Vegas Review Journal's Motion to Order to Show Cause on Order Shortening Time	12/30/2020	JA0763- JA0768
IV	Order Denying Respondent Clark County Office of the Coroner/Medical Examiner's Motion for Stay on an Order Shortening Time	12/23/2020	JA0747- JA0762
VII	Order Granting Petitioner Las Vegas Review-Journal's Amended Motion for Attorney's Fees and Costs	04/08/2021	JA1268- JA1282
II	Petitioner Las Vegas Review-Journal's Motion for Attorney's Fees and Costs	11/29/2017	JA0415- JA0453
III	Petitioner's Opening Brief on Remand	08/27/2020	JA0472- JA0506
III	Petitioner's Reply in Support of Petitioner's Opening Brief on Remand	10/22/2020	JA0537- JA0578
I	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	JA0001- JA0011

Vol.	Description	Date	Bates
VI	Recorder's Transcript on Hearing re: Plaintiff's Amended Motion for Attorney's Fees and Costs	03/02/2021	JA1206- JA1221
IV	Recorder's Transcript on Hearings re: Respondent Clark County Office of the Coroner/Medical Examiner's Motion to Stay on an Order Shortening Time and Petitioner Las Vegas Review Journal's Motion to Order to Show Cause on OST	12/10/2020	JA0706- JA0723
III	Recorder's Transcripts of Hearing re: Briefs on Remand	10/29/2020	JA0581- JA0618
VII	Register of Actions for Las Vegas Review-Journal v. Clark County Office of the Coroner/Medical Examiner, Eighth Judicial District Court Case No. A-17-758501-W	09/13/2021	JA1303- JA1306
VI	Reply in Support of Amended Motion for Attorney's Fees and Costs	02/23/2021	JA1163- JA1204
II	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	09/07/2017	JA0238- JA0319
III	Respondent Clark County Office of the Coroner/Medical Examiner s Answering Brief	10/07/2020	JA0507- JA0536
III	Respondent Clark County Office of the Coroner/Medical Examiner s Motion to Stay on an Order Shortening Time	11/20/2020	JA0638- JA0648
VI	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	02/16/2021	JA1133- JA1162
III	Respondent Clark County Office of the Coroner/Medical Examiner's Reply in Support of Motion to Stay on an Order Shortening Time	12/07/2020	JA0672- JA0680
I	Response to Petition and Memorandum Supporting Writ for Mandamus for Access to Autopsy Reports of Juvenile Deaths	08/30/2017	JA0196- JA0237

Vol.	Description	Date	Bates
IV	Stipulation and Order to Supplement Motion for Attorney s Fees and Costs and Set Briefing Schedule	01/27/2021	JA0769- JA0773
II	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	09/25/2017	JA0320- JA0397

CERTIFICATE OF SERVICE

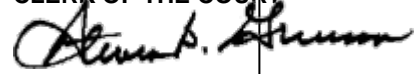
I hereby certify that the foregoing JOINT APPENDIX – VOLUME VI was filed electronically with the Nevada Supreme Court on the 14th day of September, 2021. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

Craig R. Anderson and Jackie V. Nichols
MARQUIS AURBACH COFFING
10001 Park Run Drive
Las Vegas, Nevada 89145

Steven B. Wolfson and Laura C. Rehfeldt
CLARK COUNTY DISTRICT ATTORNEY'S OFFICE
CIVIL DIVISION
500 S. Grand Central Pkwy., 5th Floor
Post Office Box 552215
Las Vegas, NV 89155-2215

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

/s/ Pharan Burchfield
Employee of McLetchie Law



1 **MAFC**
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 *Attorneys for Petitioner Las Vegas Review-Journal*

7 **EIGHTH JUDICIAL DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 LAS VEGAS REVIEW-JOURNAL,
10
11

12 Petitioner,
13

14 vs.
15

16 CLARK COUNTY OFFICE OF THE
17 CORONER/MEDICAL EXAMINER,
18

19 Respondent.
20

Case No.: A-17-758501-W

Dept. No.: XXIX

21 **AMENDED MOTION FOR**
22 **ATTORNEY'S FEES AND COSTS**

Hearing Date: February 25, 2021

Hearing Time: 9:00 a.m.

23 Pursuant to this Court's January 27, 2021, Order, the Las Vegas Review-Journal
24 (the "Review-Journal"), by and through its counsel of record, hereby submits this Amended
25 Motion for Attorney's Fees and Costs. This Motion is supported by the attached
26 memorandum of points and authorities, any attached exhibits, and the pleadings and papers
27 on file with this Court.
28

DATED this 2nd day of February, 2021.

/s/ Margaret A. McLatchie

MARGARET A. MCLEATCHIE, Nevada Bar No. 10931

ALINA M. SHELL, Nevada Bar No. 11711

MCLEATCHIE LAW

701 E. Bridger Avenue, Suite 520

Las Vegas, NV 89101

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

Email: maggie@nvlitigation.com

Attorneys for Petitioner Las Vegas Review-Journal

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

The Nevada Public Records Act (“NPRA”) provides that if a requester prevails in an action to obtain access to public records, “the requester is entitled to recover from the governmental entity that has legal custody or control of the record his or her costs and reasonable attorney’s fees in the proceeding.” Nev. Rev. Stat. § 239.011(2); *see also Clark Cty. Office of Coroner/Med. Exam’r v. Las Vegas Review-Journal*, 136 Nev. 44, 61, 458 P.3d 1048, 1061 (2020) (“*Coroner*”). Thus, a prevailing requester is entitled all fees and costs incurred from the beginning of an NPRA proceeding until the end, so long as they are reasonable.

The Review-Journal has unambiguously prevailed in its years-long battle to make the Clark County Office of the Coroner / Medical Examiner (the “Coroner”) fulfill its duties under the NPRA. In April 2017, the Review-Journal initially requested the Coroner provide juvenile autopsy reports dating back to 2012. The Coroner, despite conceding that the autopsy reports were public records, refused to provide them to the Review-Journal and demanded payment for further work in redacting files for production.

On July 17, 2017, the Review-Journal petitioned this Court for a writ of mandamus to access the autopsy reports under the NPRA. On November 9, 2017, this Court granted the Review-Journal’s petition, mandating unredacted disclosure of the requested autopsy reports. (November 9, 2017, Order, ¶¶ 59- 61.) Subsequently, this Court awarded the Review-Journal \$32,377.50 for the costs and reasonable attorney’s fees expended in litigating this matter through November 9, 2017. (February 1, 2018, Order, ¶ 60.) The Coroner appealed both orders.

On February 27, 2020, the Supreme Court affirmed in part, reversed in part, and vacated in part this Court’s orders. Relevant here, the Supreme Court vacated the fees award, holding that 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 to which the juvenile autopsy reports contain private information that the Coroner’s Office should redact.”

1 *Coroner*, 136 Nev. at 61, 458 P.3d at 1061. In light of these instructions, the Supreme Court
2 left it “to the sound discretion of the district court the determination of whether [the Review-
3 Journal] is entitled to attorney fees as the prevailing party in this action.” *Id.*, n.6.

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

10 As this Court’s November 20, 2020, Order reflects, the Review-Journal is the
11 prevailing party in this proceeding, having obtained an order mandating that the Coroner
12 “produce directly to the Review-Journal the requested juvenile autopsy reports . . . by
13 November 30, 2020.” (November 20, 2020, Order, p. 15:5-6.) Rather than simply comply
14 with the Court’s order, the Coroner moved to stay enforcement of the order pending an
15 anticipated appeal, which the Review-Journal opposed.¹ At the December 10, 2020, hearing
16 on the Coroner’s Motion to Stay, the Court denied the motion but extended the Coroner’s
17 deadline to December 30, 2020. (*See* Transcript of December 10, 2020, Hearing, p. 16:13-
18 19.) A written order reflecting this decision was entered on December 24, 2020.

19 On December 15, 2020, the Coroner filed notice of appeal with this Court and on
20 December 17, 2020, filed an Emergency Motion for a Stay with the Supreme Court. (*See*
21 Nevada Supreme Court Case No. 82229, Doc. No. 20-45767.) The Review-Journal opposed
22 this Emergency Motion. (*Id.* at Doc. No. 20-46550.) On December 29, 2020, the Supreme
23 Court denied the Coroner’s Emergency Motion. (*Id.* at Doc. No. 20-46727.) On December
24 30, 2020, the Supreme Court denied the Coroner’s Motion for Reconsideration. (*Id.* at Doc.
25 No. 20-46970.) On December 31, 2020, the Coroner produced the requested documents. On
26 January 12, 2021, the Supreme Court granted the Coroner’s motion for voluntary dismissal

27 ¹ (*See, e.g.*, November 20, 2020, Coroner’s Motion to Stay on Order Shortening Time; *see*
28 *also* November 30, 2020, Review-Journal’s Opposition.)

1 of the appeal. (*Id.* at Doc. No. 21-00944.)

2 Now that the Review-Journal has unequivocally prevailed in this matter—not just
3 “on paper” but by finally obtaining the requested public records—the Review-Journal is
4 entitled to all reasonable fees and costs incurred in this matter. Nev. Rev. Stat. § 239.011(2).
5 Although the parties already submitted a motion for attorney’s fees and costs and a response
6 in opposition in December 2020, the parties have stipulated to briefing the instant amended
7 Motion for Attorney’s Fees and Costs in lieu of submitting a reply to the December fees
8 briefings and subsequently filing *another* motion to supplement fees and costs. (*See* January
9 27, 2021, Stipulation and Order.)

10 This Court has already determined that the Review-Journal is entitled to \$32,377.50
11 for the costs and reasonable attorney’s fees expended in litigating this matter through
12 November 9, 2017. (*See* February 1, 2018, Order, ¶ 60.) This Court has also explicitly
13 determined that the Review-Journal is the prevailing party in this matter. (Transcript of
14 October 29, 2020, Hearing, p. 37:15-18.) Thus, all that remains to be determined is the
15 reasonable amount of fees and costs the Review-Journal is entitled to for litigating this matter
16 before this Court and the Supreme Court from November 9, 2017, through the present. As
17 demonstrated by the arguments below and exhibits attached hereto, that reasonable amount
18 is \$246,602.50 in attorney’s fees, and \$3,581.48 in costs. Thus, in total, this Court should
19 award the Review-Journal \$282,561.48.

20 **II. RELEVANT FACTS AND PROCEDURAL HISTORY**

21 **A. Attorney’s Fees and Costs Through November 9, 2017.**

22 As reflected in this Court’s since-vacated February 1, 2018, Order, the Review-
23 Journal is entitled to \$32,377.50 for the costs and reasonable attorney’s fees expended
24 through November 9, 2017, in litigating this matter. (February 1, 2018, Order, ¶ 60.) In the
25 interest of brevity, the order, arguments and exhibits² supporting this previously awarded
26 amount, are incorporated by reference.

27 ² *See* November 29, 2017, Motion for Attorney Fees and Costs and January 1, 2018, Reply
28 to Opposition to Motion for Attorney’s Fees, on file with this Court.

B. Additional Work Performed in District Court After November 10, 2017, but Before the First Two Appeals.

As illustrated in the billing detail by date attached hereto as **Exhibit 1**, the Review-Journal incurred additional fees and costs before this Court in addressing several issues during the period between November 10, 2017, and March 7, 2018. These issues included full briefing of the Review-Journal's successful (but ultimately vacated) motion for attorney's fees and costs through November 9, 2017, full briefing of two separate motions for stays on orders shortening time filed by the Coroner, and the associated hearings.

C. Additional Work Performed Defending Against the Coroner's Appeals.

This matter was the subject of three appeals by the Coroner. The first two will be discussed in this subsection, and the third appeal, which was ultimately dismissed, will be discussed at the end of the next subsection.

The first appeal, Nevada Supreme Court Case No. 74604, challenged this Court's, November 9, 2017, Order granting the Review-Journal's Petition for Writ of Mandamus. The second appeal, Nevada Supreme Court Case No. 75095, challenged this Court's February 1, 2018, Order awarding the Review-Journal its reasonable fees and costs incurred through November 9, 2017.

As illustrated in the billing detail by date attached hereto as **Exhibit 1**, the Review-Journal was required to dedicate substantial time and resources to reviewing and responding to the Coroner's filings in the first two of these three appeals. In Case No. 74604, the Review-Journal not only had to file an Answering Brief, but also had engage in other motion work, such as opposing a motion to strike its appendix and filing a sur-reply. In Case No. 75095, the Review-Journal also filed more than a mere Answering Brief: the matter was heavily litigated on remand and the Review-Journal opposed the imposition of a stay and petitioned the court for rehearing, and additionally responded to supplemental authorities. Finally, the Review-Journal dedicated significant time and resources to preparing for the consolidated oral argument on these two appeals. In short, the issues in the case were very important and

required significant and sophisticated legal work.

D. Additional Work Performed After Remand.

As illustrated by the billing detail by date attached hereto as **Exhibit 1**, the Review-Journal was forced to incur the costs of briefing and arguing several issues after the Supreme Court’s decision on February 27, 2020. First, the Review-Journal fully briefed what redactions of autopsy reports, if any, were justified by privacy interests asserted by the Coroner, and prevailed on this matter at the October 29, 2020, hearing on remand. Indeed, the Court ordered the Coroner to produce “directly to the Review-Journal the requested juvenile autopsy reports in unredacted form[.]” (November 20, 2020 Order, p. 15:5-6.)

Because the Coroner chose to further challenge the Court’s ruling, the Review-Journal was forced to incur yet more attorney fees and costs. The Review-Journal successfully opposed the Coroner’s Motion to Stay this matter. (*See* December 23, 2020, Order Denying Motion for Stay.) The Review-Journal then successfully opposed the Coroner’s Emergency Motion to Stay this matter before the Supreme Court in Case No. 82229. Only after the Supreme Court denied the Coroner’s Emergency Motion (and subsequent Motion for Rehearing) did the Coroner finally, on December 31, 2020, produce the unredacted records. (McLetchie Decl., ¶ 27.)

III. ARGUMENT

A. The Review-Journal is the Prevailing Party.

Pursuant to Nev. Rev. Stat. § 239.011, if a governmental entity refuses to disclose public records, the requester may “apply to the district court in the county in which the book or record is located for an order” either permitting the requester to inspect or copy the records or requiring the governmental entity to provide a copy of the records to the requester. Nev. Rev. Stat. § 239.011(1) (a) and (b). “If the requester prevails, the requester is entitled to recover his or her costs and reasonable attorney’s fees in the proceeding from the governmental entity whose officer has custody of the book or record.” *Id.*

As the Nevada Supreme Court has explained, “...by its plain meaning, [Nev. Rev. Stat. § 239.011(2)] grants a requester who prevails in NPRA litigation the right to recover

1 attorney fees and costs, without regard to whether the requester is to bear the costs of
2 production.” *LVMPD v. Blackjack Bonding*, 131 Nev. 80, 89, 343 P.3d 608, 615 (2015);
3 accord *Clark Cty. Office of Coroner/Med. Exam’r v. Las Vegas Review-Journal*, 136 Nev.
4 44, 60, 458 P.3d 1048, 1061 (2020). A party does not need to prevail on all or even most of
5 the issues in a case in order to be the “prevailing party.” Rather, a party seeking records
6 prevails “if it succeeds on *any significant issue in litigation* which achieves some of the
7 benefit it sought in bringing suit.” *Valley Elec. Ass’n v. Overfield*, 121 Nev. 7, 10, 106 P.3d
8 1198, 1200 (2005) (emphasis added) (internal quotations omitted); *see also DR Partners v.*
9 *Bd. of Cty. Comm’rs of Clark Cty.*, 116 Nev. 616, 628–29, 6 P.3d 465, 473 (2000) (reversing
10 an order denying access and remanding to district court to award fees). Accordingly, a
11 prevailing party in a public records action is entitled to an award of its reasonable attorney’s
12 fees and costs.

13 In a public records case, if a requester obtains access to records, it is entitled to fees
14 and costs, which also furthers the important purposes of the NPRA (*see, e.g., Nev. Rev. Stat. §*
15 *239.001(1) and (2)*). The Review-Journal is the prevailing party in this matter, as the Review-
16 Journal obtained an order mandating access to records. (November 20, 2020, Order, p. 15:3-
17 19.) Further, the Court explicitly stated that the Review-Journal “is the prevailing party and
18 will consider its supplemental application for fees and costs, including those that were
19 previously awarded.” (Transcript of October 29, 2020, Hearing, p. 37:15-18.)

20 In denying the Coroner’s request for a stay, the Court lambasted the Coroner for its
21 prolonged resistance to fulfilling its duties under the NPRA: “the Coroner’s Office has
22 dragged its heels and been brought before the Court kicking and screaming over objections
23 that are frivolous, featherweight, and fallacious.” (Transcript of December 10, 2020,
24 Hearing, p. 11:12-15.) That the Review-Journal overcame such a “blatant and flagrant
25 attempt to obstruct and frustrate the declared legislative purpose of the Nevada Public
26 Records Act” (*id.*, p. 12:12-14) underscores the importance and scope of the Review-
27 Journal’s victory in this matter. Not only did the Review-Journal prevail in obtaining the
28 documents, it prevailed in opposing the Coroner’s efforts to stay this matter, thus overcoming

1 “the delay of waiting for the Coroner’s Office to take an appeal or pursue a writ” which had
2 already added to the Coroner’s “already inexplicable delay[.]” (*Id.*, p. 13:20-22.) Thus, it is
3 beyond cavil that the Review-Journal is the prevailing party in this NPRA matter. And, it is
4 beyond debate that the Coroner’s chosen tactics of willful delay and intransigence multiplied
5 the proceedings unnecessarily, which caused the Review-Journal to dedicate substantial
6 hours to—and incur substantial fees in—litigating this matter to the bitter end.

7 **B. The Review-Journal is Entitled to Appellate Fees and Costs.**

8 In addition to all costs and reasonable attorney’s fees incurred during the portions
9 of the litigation before this Court, the Review-Journal is also entitled to the reasonable
10 attorney’s fees it incurred in the appellate proceedings arising from the Coroner’s appeals of
11 this Court’s orders.

12 The Supreme Court has long recognized that attorney’s fees and costs incurred on
13 appeal are compensable under rule, statute, or contract. In a seminal matter, the Supreme
14 Court held that fees incurred in successfully defending a judgment on appeal were
15 compensable under a contractual provision which provided: “in the event any parties shall
16 prevail in any legal action commenced to enforce the agreement, they shall be entitled to all
17 costs incurred in such action including attorney’s fees.” *Musso v. Binick*, 104 Nev. 613, 614,
18 764 P.2d 477, 477 (1988). Although the fees-shifting provision in *Musso* was silent as to
19 whether the “action” included litigation in district and appellate courts, the Supreme Court
20 held that it encompassed proceedings before both courts. “The purpose of such contractual
21 provisions, to indemnify the prevailing party for the full amount of the obligation, is defeated
22 and a party’s contract rights are diminished if the party is forced to defend its rights on appeal
23 at its own expense. We therefore conclude that respondents are entitled to an award of
24 attorney’s fees pursuant to the contractual agreement of the parties.” *Id.* at 614–15, 477.

25 More recently, the Supreme Court applied the rationale of *Musso* to Nev. R. Civ.
26 P. 68, another fee-shifting provision that was silent regarding whether fees incurred on appeal
27 were available to a prevailing litigant. The Supreme Court held that silence regarding
28 appellate fees was implicit authorization to award the same: because “nothing in the language

of NRCP 68 ... suggests that [its] fee-shifting provisions cease operation when the case leaves trial court ... the fee-shifting provisions in NRCP 68 ... extend to fees incurred on and after appeal.” *In re Estate & Living Tr. of Miller*, 125 Nev. 550, 555, 216 P.3d 239, 243 (2009). Here, just as in *Miller* and *Musso*, prior to 2019 the NPRA was silent regarding the recoverability of fees incurred on appeal by a prevailing requester. Furthermore, awarding such fees is, and always has been, in full accord with the purpose of the NPRA—increasing transparency via access to public records.

It is true that, several years before deciding *Miller*, the Supreme Court prevented the district court from awarding appellate fees and costs under Nev. Rev. Stat. § 18.010(2)(b). *See Bobby Berosini, Ltd. v. People for the Ethical Treatment of Animals*, 114 Nev. 1348, 971 P.2d 383 (1998); *Bd. of Gallery of History, Inc. v. Datecs Corp.*, 116 Nev. 286, 994 P.2d 1149 (2000). However, these cases are outdated and inapplicable for multiple reasons.

First, *Bobby Berosini* and *Datecs* pertain to fees awarded under Nev. Rev. Stat. § 18.010(2), which applies in “addition to the cases where an allowance is authorized by a specific statute.” Here, Nev. Rev. Stat. § 18.010(2)—and therefore the holding of *Bobby Berosini* and *Datecs*—is inapplicable because allowance of fees is authorized by a more specific fees-shifting statute, Nev. Rev. Stat. § 239.011(2). “When two statutory provisions conflict, this court employs the rules of statutory construction and attempts to harmonize conflicting provisions so that the act as a whole is given effect.” *Matter of N.J.*, 420 P.3d 1029, 1032 (Nev. 2018) (quoting *State v. Eighth Judicial Dist. Court (Logan D.)*, 129 Nev. 492, 508, 306 P.3d 369, 380 (2013)). “Under the general/specific canon, ***the more specific statute will take precedence and is construed as an exception to the more general statute, so that, when read together, the two provisions are not in conflict, but can exist in harmony.***” *Matter of N.J.*, 420 P.3d at 1032 (quoting *Williams v. State, Dep’t of Corr.*, 133 Nev. 594, 596, 402 P.3d 1260, 1265) (emphasis added); see also *Piroozi v. Eighth Judicial Dist. Court*, 131 Nev. 1004, 1009, 363 P.3d 1168, 1172 (2015) (“[w]here a general and a special statute, each relating to the same subject, are in conflict and they cannot be read together, the special statute controls”).

1 In the instant case, Nev. Rev. Stat. § 18.010(2) is generally applicable to all
2 litigation. By contrast, Nev. Rev. Stat. § 239.011(2) is applicable only to the specific situation
3 in which a party prevails in NPRA litigation. Therefore, Nev. Rev. Stat. § 239.011(2) controls
4 the award of attorney’s fees and costs in this litigation and permits recovery of attorney’s
5 fees incurred on appeal under the reasoning of *Musso* and *Miller*.

6 Second, Nev. Rev. Stat. § 18.010(2)(b) conditions the award of fees on the court
7 finding “that the claim, counterclaim, cross-claim or third-party complaint or defense of the
8 opposing party was brought without reasonable ground or to harass the prevailing party.”
9 Nev. Rev. Stat. § 18.010(2)(b). Likewise, Nev. R. App. P. 38(b)—mentioned by both the
10 *Bobby Berosini* and *Datecs* courts—conditions an appellate court’s award of fees and costs
11 on a frivolous appeal or other sanctionable conduct. The NPRA, by contrast, places no
12 restrictions—other than reasonableness—on a prevailing requester’s entitlement to fees and
13 costs. Nev. Rev. Stat. § 239.011(2). Indeed, this further evinces that the application of Nev.
14 Rev. Stat. § 18.010(2)(b)—and therefore the application of *Bobby Berosini* and *Datecs*—is
15 of no moment regarding fees awarded under Nev. Rev. Stat. § 239.011(2).

16 Third and finally, *Bobby Berosini* and *Datecs* were both decided before Nev. Rev.
17 Stat. § 18.010(2)(b) was amended in 2003 to add a legislative mandate for the court to
18 “liberally construe the provisions of this paragraph in favor of awarding attorney’s fees in all
19 appropriate situations.” (*See* 2003 Statutes of Nevada, Page 3478 (Chapter 508, SB 250), §
20 153.) Had this legislative guidance been in place when *Bobby Berosini* and *Datecs* were
21 decided, the Supreme Court would potentially have ruled oppositely in these cases to fulfill
22 this mandate, just as this Court should do in this instance under the NPRA. Thus, this Court
23 should apply the enduring reasoning of *Musso* and *Miller* and uphold the purpose of the
24 NPRA by determining that the Review-Journal’s reasonable appellate fees and costs are fully
25 recoverable.

26 **1. Nevada Permits Recovery of Appellate Fees Under Fee Shifting.**

27 The NPRA explicitly provides that a prevailing requester is “entitled to recover
28 from the governmental entity that has legal custody or control of the record his or her costs

1 and reasonable attorney’s fees *in the proceeding*.” Nev. Rev. Stat. § 239.011(2) (emphasis
2 added). A “proceeding” is ordinarily defined broadly as “[t]he regular and orderly
3 progression of a lawsuit, including all acts and events between the time of commencement
4 and the entry of judgment.”³ Indeed, Nevada courts have long held that “proceeding”
5 encompasses much more than what happens before the district court. *See Comstock M.M.*
6 *Co. v. Allen*, 31 P. 434 (1892) (“A case is defined to be an action, suit or proceeding. It
7 embraces everything from the filing of the complaint to the entry of satisfaction of the
8 judgment.”); *see also Martin v. Duncan Automobile, Co.*, 296 P. 24 (1931) (“The word
9 proceeding is generally applicable to any step taken by a suitor to obtain the interposition or
10 action of a court. The term proceeding is generally applicable to any step taken by a party in
11 the progress of a civil action. Anything done from the commencement to the termination is
12 a proceeding.”) (internal citations omitted).

13 Nothing within the plain language of Nev. Rev. Stat. § 239.011(2) limits attorney’s
14 fees to those incurred at the district court. *See Miller*, 125 Nev. at 555, 216 P.3d at 243.
15 Construing Nev. Rev. Stat. § 239.011(2)’s costs and fees provision to include fees incurred
16 on appeal is consistent with the intent of the provision: permitting members of the public to
17 recoup the fees and costs they incurred to obtain public records that were wrongfully
18 withheld by a governmental entity. Moreover, such an interpretation of the statute is
19 consistent with the NPRA’s mandate that its provisions “must be construed liberally” to carry
20 out the Act’s purpose: fostering democratic principles by providing prompt access to public
21 records⁴, and that any exemptions must be “construed narrowly.”⁵

22 The entire purpose of Nev. Rev. Stat. § 239.011(2) is to make requesters whole
23 after they have had to fight for access to public records that were improperly withheld. The

24 ³ PROCEEDING, Black’s Law Dictionary (11th ed. 2019).

25 ⁴ Nev. Rev. Stat. § 239.001(2) and (3); *see also Reno Newspapers, Inc. v. Gibbons*, 127 Nev.
26 873, 878, 266 P.3d 623, 626 (2011) (holding that the NPRA “must be liberally construed to
27 maximize the public’s right of access”).

28 ⁵ Nev. Rev. Stat. § 239.001(3).

costs associated with appellate litigation can be prohibitive, and requesters who have legitimate public records requests that are denied may simply give up if they are faced with the high costs of appeal with no possibility to recover those costs even if they prevail. Such a result would deter requesters from exercising their right to copy and inspect public records and embolden governmental entities to repeatedly push the limits of what they can hide from the public they serve. This directly cuts against the NPRA’s express purpose of fostering democratic principles, and—as the legislature recognized in 2019—cannot be countenanced.

Over thirty years ago, the Supreme Court held that the purpose of contractual fee-shifting provisions—“to indemnify the prevailing party for the full amount of the obligation”—would be “defeated and a party’s contract rights ... diminished if the party is forced to defend its rights on appeal at its own expense.” *Musso*, 104 Nev. at 614, 764 P.2d at 477. The identical reasoning applies to NPRA matters: a prevailing requester’s rights to access public records would be diminished if the prevailing requester were forced to defend its rights on appeal at its own expense. Accordingly, this Court must follow the legislative mandate of the NPRA and interpret Nev. Rev. Stat. § 239.011(2) liberally to include the fees and costs the Review-Journal incurred on appeal.

2. Senate Bill 287 Clarified that Appellate Fees are Recoverable Under the NPRA.

The Nevada Legislature’s 2019 amendments to the NPRA do not restrict the Review-Journal’s ability to recover fees incurred in this matter’s appeals. Rather, SB 287, which amended the NPRA to explicitly include appellate costs, merely made explicit that prevailing NPRA requesters are now—and always have been—entitled to recover fees expended on appeal. First, as discussed above, Nevada’s statutory fee shifting provisions have—since the Supreme Court decided *Musso* in 1988 and reaffirmed the logic of that decision in *Miller* in 2009—allowed for recovery of appellate fees, even without explicit statutory reference. *See In re Estate of Miller*, 125 Nev. at 555, 216 P.3d at 243. Second, if a statutory amendment clarifies a law, the rule against retroactive application does not apply. *Badger v. Eighth Judicial District Court*, 373 P.3d 89 (2016). SB 287 clarifies that a litigant

1 may recover appellate costs, a right which litigants possessed under *Miller* and *Musso*, prior
2 to SB 287 taking effect.

3 Even if SB 287 did not merely clarify a prevailing requester's pre-existing
4 entitlement to appellate fees, it should be applied retroactively to this matter. When a
5 statutory amendment creates a remedy, as opposed to a new right, the remedy should be
6 available retroactively to cases already pending. *See Valdez v. Employers Insurance*
7 *Company of Nevada*, 146 P.3d 250 (2006) ("In other words, if a statute addresses remedies
8 or procedures and does not change substantive rights, it will be applied to any cases pending
9 when it is enacted."). Here, SB 287 pertained primarily to remedies for prevailing petitioners,
10 and so, as *Valdez* directs, the remedy of recovering appellate fees should be available in
11 cases, like the instant one, which were pending when SB 287 was enacted.

12 **C. The Review-Journal's Attorney's Fees Are Reasonable and Fully**
13 **Documented.**

14 The only limitation the NPRA places on a prevailing requester's entitlement to an
15 award of fees and costs is that those fees and costs must be "reasonable." As demonstrated
16 below and in the attached declaration of counsel and supporting exhibits, counsel for the
17 Review-Journal endeavored to reduce costs wherever possible in this complex and
18 intensively litigated public records matter, including diverting as many tasks as reasonable
19 to lower-billing attorneys and staff, eliminating duplicative time entries, and reducing time
20 entries as necessary.

21 Additionally, an analysis of the factors outlined by the Nevada Supreme Court in
22 *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 455 P.2d 31 (1969) demonstrates that the
23 Review-Journal's requested award is reasonable given the skill of the Review-Journal's
24 counsel, the important character of the litigation, the work performed by counsel, and the
25 result of the litigation, which led to an order granting the relief the Review-Journal requested
26 in its petition. In addition, this Court has already entered an order awarding the Review-
27 Journal all of its fees and costs.

28 ///

1 In the interest of brevity, the instant Supplemental Motion only addresses fees
2 incurred from November 10, 2017, through the present, and incorporates by reference the
3 arguments and exhibits which resulted in this Court previously awarding the Review-Journal
4 \$32,377.50 as reflected in its February 1, 2018, Order.

5 **1. The Review-Journal's Attorney's Fees Are Reasonable.**

6 "In determining the amount of fees to award, the court is not limited to one specific
7 approach; its analysis may begin with any method rationally designed to calculate a
8 reasonable amount[.]" *Shuette v. Beazer Homes Holdings Corp.*, 121 Nev. 837, 864–65, 124
9 P.3d 530, 549 (2005). Here, a comparison between the hourly rates billed to the Review-
10 Journal in this matter and the hourly rates awarded in similar matters demonstrates that the
11 Review-Journal's fees are reasonable and thus fully compensable.

12 In the instant matter, this Court has already approved an award of \$31,552.50 in
13 fees to the Review-Journal for 96.8 hours⁶ billed through November 9, 2017, which is a
14 blended rate of \$325.96 per hour. With regard to awards in similar cases, the district court
15 has frequently awarded similar fees to the Review-Journal and other requesters as the
16 prevailing party in NPRA litigation. For instance, on March 22, 2018, the district court
17 awarded the Review-Journal \$125,241.37 in fees⁷ and costs from Clark County School
18 District, which was upheld on appeal. (See **Exhibit 3**, March 22, 2018, Order in *Las Vegas*
19 *Review-Journal v. Clark County School Dist.*, No. A-17-750151-W, ¶ 77.) For another
20 example, on July 11, 2018, the district court awarded the Review-Journal \$31,873.03 in fees⁸
21 and costs from the Coroner in a separate public records matter, which was also upheld on
22 appeal. (See **Exhibit 4**, July 11, 2018, Order in *Las Vegas Review-Journal and The*
23 *Associated Press v. Clark Cty. Office of the Coroner/Medical Examiner*, No. A-17-764842-

24 ⁶ (February 1, 2018, Order, ¶ 23.)

25 ⁷ Fees in that matter were \$101,367.50 for 298.9 hours of work performed for a blended
26 average of \$339.19 per hour. (**Exhibit 3**, ¶ 30.)

27 ⁸ Fees in that matter were \$31,083.50 for 84.8 hours of work performed for a blended average
28 of \$366.55 per hour. (**Exhibit 4**, p. 4.)

W, p. 11.) And as another example, in another public records matter, *The Center for Investigative Reporting v. Las Vegas Metropolitan Police Department*, No. A-18-773883-W, the district court awarded the Center for Investigative Reporting \$50,402.89 in fees and costs as the prevailing party in a public records matter and found that its counsel's rate of \$450.00 per hour was "consistent with community standards for work in similar matters," even in a case where counsel for the prevailing requester (while able and talented) lacked the breadth of experience counsel for the Review-Journal has in public records litigation. (**Exhibit 5**, p. 5:16-18.)

Indeed, McLetchie Law's fees in NPRA matters can be lower than those charged by the firms governmental entities hire to litigate NPRA matters, which in 2017 were \$495.00 per hour for partners and \$300 per hour for associates of one such firm. (*See, e.g.* **Exhibit 6**.)

As more fully detailed below, the attorneys and employees at McLetchie Law reasonably billed 699.3 hours of additional time in this case since November 10, 2017, at a blended average of approximately \$352.64 per hour. This results in total of \$246,602.50 for this work performed, which, in light of the aforementioned awards, is presumptively reasonable and merits upward adjustment after analysis of the *Brunzell* factors.

2. The Review-Journal Seeks Fees for a Reasonable Number of Hours and Exercised Appropriate Billing Judgment.

Pursuant to Nev. R. Civ. P. 54(d)(2)(B), statements "swearing that the fees were actually and necessarily incurred and were reasonable" are set forth in the attached declaration of Margaret A. McLetchie ("McLetchie Decl.") and supported by the billings for the Review-Journal's attorney fees attached hereto as **Exhibits 1 and 2**.

Litigation of this matter was made more complex and time-consuming than other, more milquetoast NPRA matters by the Coroner's vexatious litigation tactics. And as illustrated in the attached billing details, the complexity and demands of the litigation continued through three appeals and before this Court. With respect to the continued work before this Court, the Review-Journal expended significant time and energy briefing this matter, appearing before this Court, and reviewing the materials provided by the Coroner.

1 With respect to the work performed on appeal, the Review-Journal was required to
2 dedicate substantial time to responding to each of the Coroner's arguments and preparing for
3 oral argument in each of its two substantive appeals. The Review-Journal was further
4 required to dedicate substantial time to opposing the Coroner's Motion to Stay before this
5 Court, as well as the Coroner's Emergency Motion to Stay the Coroner's short-lived third
6 appeal of this matter.

7 To keep billing as low as possible, lower billing attorneys conducted work where
8 appropriate. (McLetchie Decl., ¶ 17.) Further, counsel utilized paraprofessionals to perform
9 tasks such as organization to assure that attorneys with higher billing rates were not billing
10 for tasks that lower billers could perform. (*Id.*) Potentially duplicative or unnecessary time
11 has not been included. (*Id.* at ¶ 16.) In all these ways, counsel for the Review-Journal has
12 charged a reasonable and reduced rate for the attorneys' time. (*Id.* at ¶¶ 18-19.)

13 **3. The Brunzell Factors.**

14 In awarding fees, a court must consider the requested amount in light of the factors
15 enumerated by the Nevada Supreme Court in *Brunzell v. Golden Gate Nat. Bank*, 85 Nev.
16 345, 455 P.2d 31 (1969). Pursuant to *Brunzell*, a court must consider four elements in
17 determining the reasonable value of attorneys' services:

18 (1) the qualities of the advocate: his ability, his training, education,
19 experience, professional standing and skill; (2) the character of the work to
20 be done: its difficulty, its intricacy, its importance, time and skill required,
21 the responsibility imposed and the prominence and character of the parties
22 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.

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

25 **a. The Advocates' Skills Support a High Award**

26 In determining the reasonable value of an attorney's services, this Court must
27 consider the qualities of the advocate, including ability, training, education, experience,
28 professional standing, and skill. *Brunzell*, 85 Nev. at 349, 455 P.2d at 33.

1 Margaret A. McLetchie, working a total of 255.6 billed hours in this matter since
2 the previous award of fees, is the lead attorney and owner of McLetchie Law with almost 17
3 years of experience, and is admitted to the bar in both California and Nevada. After working
4 at a large corporate law firm in California, Ms. McLetchie became a Staff Attorney, then
5 Legal Director of the American Civil Liberties Union of Nevada. While with the ACLU of
6 Nevada, Ms. McLetchie litigated several complex civil rights cases, including cases focused
7 on freedom of speech. Ms. McLetchie has extensive experience handling First Amendment
8 cases, public records cases, court access cases, and similar matters. In 2018, Ms. McLetchie
9 was named a First Amendment Champion by the Nevada Press Association in recognition of
10 her years of efforts to further public access to records and protect the freedom of the press.⁹
11 Ms. McLetchie's work on this matter was billed at a rate of \$450.00 per hour for work
12 performed from November 9, 2017 through December 31, 2019 (110.6 hours) and at a rate
13 of \$500.00 per hour for work performed after December 31, 2019¹⁰ (145.0 hours), for a total
14 of \$122,270.00.

15 Alina Shell, working a total of 233.4 billed hours in this matter since the previous
16 award of fees, is a senior attorney at McLetchie Law with over eleven years of experience.
17 From 2009 to 2015, Ms. Shell was an attorney with the Federal Public Defender ("FPD") for
18 the District of Nevada. While employed by the FPD, Ms. Shell represented numerous
19 defendants in a variety of criminal cases, including complex mortgage fraud and sentencing
20 cases, and criminal cases implicating the First Amendment. Ms. Shell also wrote and argued
21 several complex criminal appeals before the United States Court of Appeals for the Ninth
22 Circuit. Since moving into private practice, Ms. Shell has represented parties in state and
23 federal court in a variety of civil matters, including First Amendment, NPRA, court access,
24 and defamation cases. Ms. Shell's work in this matter was billed at a rate of \$350.00 per hour

25 _____
26 ⁹ <https://www.reviewjournal.com/local/local-las-vegas/las-vegas-attorney-mcletchie-named-first-amendment-champion/> (last accessed December 11, 2020.)

27 ¹⁰ The hourly rates for the attorneys and senior paraprofessional staff at McLetchie Law
28 increased effective January 1, 2020. (See McLetchie Decl. ¶ 8.)

1 for work from between November 9, 2017 through December 31, 2019 (119.8 hours), and at
2 a rate of \$375.00 per hour for work performed after December 31, 2019 (113.6 hours), for a
3 total of \$84,530.00.

4 Leo Wolpert, working a total of 91.9 billed hours in this matter since the previous
5 award of fees, is an attorney at McLetchie Law. Mr. Wolpert is 2011 graduate of the
6 University of Virginia School of Law with seven years of legal experience, including
7 experience with First Amendment, defamation, and public records litigation. Mr. Wolpert's
8 time on this case was billed at a rate of \$200.00 per hour for work performed from November
9 9, 2017 through December 31, 2019 (53.0 hours), and at a rate of \$250.00 per hour for work
10 performed after December 31, 2019 (38.9 hours), for a total billed of \$20,325.00.

11 Carly Krygier, working a total of 0.1 billed hours in this matter, was a research and
12 writing attorney at McLetchie Law. Ms. Krygier is a graduate of California Western School
13 of Law. Mr. Krygier's time on this case was billed at a rate of \$200.00 per hour, for a total
14 billed of \$20.00.

15 Jessica Brown, working a total of 48.3 billed hours in this matter, was a research
16 and writing attorney at McLetchie Law. Ms. Brown is a graduate of the University of Nevada
17 Las Vegas Boyd School of Law. Ms. Brown's time on this case was billed at a rate of \$200.00
18 per hour, for a total billed of \$9,660.00.

19 Pharan Burchfield, working a total of 49.7 billed hours in this matter since the
20 previous award of fees, is a paraprofessional at McLetchie Law. Ms. Burchfield has an
21 associate degree in paralegal studies and has been a paralegal for six years. Ms. Burchfield's
22 time on this case was billed at the rate of \$150.00 per hour for work performed from
23 November 9, 2017 through December 31, 2019 (25.9 hours), and at a rate of \$175.00 per
24 hour for work performed after December 31, 2019 (23.8 hours), for a total billed of
25 \$8,050.00.

26 Lacey Ambro, working a total of 13.2 billed hours in this matter since the previous
27 award of fees, is a paraprofessional at McLetchie Law with over seven years of experience
28 in the legal field. From 2007 to 2012, Ms. Ambro worked as a legal assistant at a firm

1 specializing in medical malpractice defense. Ms. Ambro has been employed at McLetchie
2 Law as a legal assistant since August 2017. Ms. Ambro's paralegal time on this case (9.1
3 hours) was billed at the rate of \$150.00 per hour, while her time for administrative tasks
4 performed in this matter (4.1 hours) was billed at a rate of \$50.00 per hour, for a total billed
5 of \$1,570.00.

6 In addition, the Review-Journal utilized a paraprofessional to perform
7 administrative tasks in this matter. Administrative tasks were billed at a rate of \$25.00 per
8 hour for 7.1 hours, for a total billed of \$177.50.

9 Reasonable costs for documents, filing fees, and the like incurred since November
10 10, 2017 were calculated for a total billed of \$3,581.48. With costs, the total billed by
11 McLetchie Law since the court's previous award is \$250,183.98. Further qualification and
12 qualities, along with an itemization of these bills are included in the attached declaration of
13 Ms. McLetchie and **Exhibits 1-2**.

14 ***b. The Character of the Work.***

15 The next factor this Court must consider is "the character of the work to be done:
16 its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed
17 and the prominence and character of the parties where they affect the importance of the
18 litigation." *Brunzell*, 85 Nev. at 349, 455 P.2d at 33 (citation omitted). The records that the
19 Review-Journal fought long and hard to obtain in this case involved matters of great public
20 interest.¹¹ As the largest circulation paper in Nevada, the Review-Journal sought access to
21 public records to advance the public interests of ensuring the autopsies of children in Clark
22

23 ¹¹ As this Court put it, there are "multiple significant public interests that are articulated in
24 the Review Journal's briefing in this case, which I completely agree with. And that those
25 outweigh the non-trivial privacy interest that has been asserted by the Coroner's Office in
26 the sample cases." (Transcript of October 29, 2020, Hearing, p. 28:2-6.) The Court
27 continued: "Accordingly, I am finding that a significant public interest plural greatly
28 outweigh the non-trivial privacy interests that have been argued and advanced by the Coroner
as to all of the juvenile autopsy reports requested within the time frame ... [a]nd they
therefore must be produced in unredacted form within 30 days from today's date." (*Id.*, p.
28:18-23.)

County are performed correctly, that child deaths in our region are properly investigated, that child protective services are adequately protecting vulnerable children, and ultimately the public interest in making improvements to these government programs.

Litigating this matter and obtaining the public records the Coroner refused to disclose (and fighting for reasonable fees and costs after succeeding on the Review-Journal's Petition) required knowledge of the NPRA (including its legislative history), the First Amendment, the Freedom of Information Act (5 U.S.C. § 552), and laws and statutes pertaining to privilege and/or confidentiality, such as HIPAA, Chapter 432B of the Nevada Revised Statutes, the legislative history of AB 57, and a review of other state and federal court rulings regarding public access to autopsy reports.

c. The Work Performed, Including Skill, Time, and Attention.

The work actually performed by the lawyer is relevant to the reasonableness of attorneys' fees, including the skill, time, and attention given to the work. *Brunzell*, 85 Nev. at 349, 455 P.2d at 33. As demonstrated by the billing statement attached in **Exhibit 2** and the attached declaration of Ms. McLetchie, a substantial portion of the work in this case was done by attorneys and paraprofessional staff with low billing rates. As discussed above, the Review-Journal dedicated substantial time and resources to fully briefing the issues in this matter both at the district court and appellate levels. The litigation also required the Review-Journal to spend substantial time fully briefing this matter before this court and the Nevada Supreme Court, then re-briefing the issue of redaction on remand.

d. The Result.

Lastly, "the result: whether the attorney was successful and what benefits were derived" is relevant to this inquiry. *Brunzell*, 85 Nev. at 349, 455 P.2d at 33. As noted above, the Review-Journal prevailed in this matter because it succeeded in obtaining previously withheld records from the Coroner after over three years of litigation. Indeed, the Review-Journal prevailed on every substantive issue in this matter, finally obtaining the requested records on December 31, 2020. Because each of these factors weighs in the Review-Journal's favor, this Court should exercise its discretion and award the Review-Journal all of its

requested attorneys' fees and costs.

D. The Review-Journal Reserves its Right to Seek Additional Fees and Costs.

The Review-Journal reserves its right to seek additional attorney's fees and costs for any additional work performed at the district court or on appeal not requested herein.

IV. CONCLUSION

Item	Amount
Fees and Costs Prior to November 10, 2017 (Previously Awarded February 1, 2018)	\$32,377.50
Fees Incurred Since November 10, 2017	\$246,602.50
Costs Incurred Since November 10, 2017	\$3,581.48
TOTAL	\$282,561.48

For the foregoing reasons, the Review-Journal respectfully requests that this Court award the Review-Journal \$282,561.48, pursuant to Nev. Rev. Stat. § 239.011(2), for the reasonable costs and attorney's fees it has incurred in this matter through February 2, 2021.

DATED this 2nd day of February, 2021.

/s/ Margaret A. McLetchie

MARGARET A. MCLETCHE, Nevada Bar No. 10931

ALINA M. SHELL, Nevada Bar No. 11711

MCLETCHE LAW

701 E. Bridger Avenue, Suite 520

Las Vegas, NV 89101

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

Email: maggie@nvlitigation.com

Attorneys for Petitioner Las Vegas Review-Journal

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of February, 2021, pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, I did cause a true copy of the foregoing AMENDED MOTION FOR ATTORNEY'S FEES AND COSTS in *Las Vegas Review-Journal v. Clark County Office of the Coroner/Medical Examiner*, Eight 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

INDEX OF EXHIBITS	
Exhibit	Description
n/a	Declaration of Margaret A. McLetchie
1	Fees by Date
2	Fees by Biller
3	March 22, 2018, Order in <i>Las Vegas Review-Journal v. Clark County School Dist.</i> , No. A-17-750151-W
4	July 11, 2018, Order in <i>Las Vegas Review-Journal and The Associated Press v. Clark Cty. Office of the Coroner/Medical Examiner</i> , No. A-17-764842-W
5	January 7, 2019 Order in <i>The Center for Investigative Reporting v. Las Vegas Metropolitan Police Department</i> , No. A-18-773883-W
6	Bailey Kennedy Invoices

DECLARATION OF MARGARET A. MCLECHIE

I, MARGARET A. MCLECHIE, declare, pursuant to Nev. Rev. Stat. § 53.330, as follows:

1. I have personal knowledge of the facts set forth below, and, if called as a witness, could testify to them.

2. I am an attorney duly licensed to practice law in Nevada.

3. I am the owner and managing member of the law firm of McLetchie Law Group PLLC dba McLetchie Law, and I am counsel for the Las Vegas Review-Journal (“Review-Journal”) *Las Vegas Review-Journal v. Clark County Office of the Coroner/Medical Examiner*, Eighth Judicial District Court Case No. A-17-758501-W.

4. I am making this declaration to provide information justifying the fee and costs request in this case, to authenticate documents attached as exhibits in support of the Las Vegas Review-Journal’s Supplemental Motion for Attorney’s Fees and Costs, and to verify factual representations contained in the Supplemental Motion.

5. With the exceptions noted below, the work performed by my firm in this case for the time period November 9, 2017 through February 2, 2021 and appellate time is detailed in the summary attached to the Motion as **Exhibit 1** (organized by date) and **Exhibit 2** (organized by biller). I certify that this accurately reflects work by my firm.

6. I manage workflow at my firm and routinely review time entries made by other attorneys and staff at the firm. I attest that the entries listed reflect work in fact conducted by my firm in this matter (other than as noted above), *less reductions made in the spirit of cooperation*, as noted below.

7. I billed and structured my firm’s work on this matter with an eye to avoiding duplicative work and using lower billing attorneys (or staff people) wherever possible. At the time my office performed work in this matter, I believed the work we were all doing was reasonably necessary to protect and further the interests of this client.

///

///

8. On January 1, 2020, I increased the hourly rates for of McLetchie Law's attorneys and paraprofessional staff. My rate was increased from \$450.00 per hour to \$500.00 per hour; Alina Shell's hourly rate was increased from \$350.00 per hour to \$375.00 per hour; Leo Wolpert's hourly rate was increased from \$200.00 per hour to \$250.00 per hour; and paraprofessional Pharan Burchfield's hourly rate was increased from \$150.00 per hour to \$175.00 per hour.

9. As the owner at my firm responsible for this matter, I have carefully reviewed the billing statement and corrected any errors. I also exercised my billing judgment and deducted and/or removed a number of entries to err on the side of avoiding billing for *potentially duplicative* work—and in the spirit of cooperation. My additional work on this matter, 255.6 hours, was billed at a rate of \$450.00 per hour for work performed from November 10, 2017 through December 31, 2019 (110.6 hours) and at a rate of \$500.00 per hour for work performed after December 31, 2019¹² (145.0 hours), for a total of \$122,270.00. (See **Exhibit 2**.)

10. The time spent on this case included in the fee request also includes time for work performed by Ms. Shell. I routinely monitor the work performed by all people who work at my firm, including Ms. Shell. I reviewed each of Ms. Shell's entries, resulting in 233.4 additional billed hours in this case. Ms. Shell's work in this matter was billed at a rate of \$350.00 per hour for work from between November 9, 2017 through December 31, 2019 (119.8 hours), and at a rate of \$375.00 per hour for work performed after December 31, 2019 (113.6 hours), for a total of \$84,530.00. (*Id.*)

11. The time spent on this case for which I am seeking compensation also includes work for Leo Wolpert as a research and writing attorney. I reviewed each of Mr. Wolpert's entries, resulting in a total of 91.9 additional hours on this case. Mr. Wolpert's time on this case was billed at a rate of \$200.00 per hour for work performed from November

¹² The hourly rates for the attorneys and senior paraprofessional staff at McLetchie Law increased effective January 1, 2020. (See McLetchie Decl. ¶ 8.)

9, 2017 through December 31, 2019 (53.0 hours), and at a rate of \$250.00 per hour for work performed after December 31, 2019 (38.9 hours), for a total billed of \$20,325.00. (*Id.*)

12. The time spent on this case for which I am seeking compensation also includes work for Carly Krygier as a research and writing attorney. I reviewed each of Ms. Krygier's entries, resulting in a total of 0.1 additional hours on this case. Ms. Krygier's time on this case was billed at a rate of \$200.00 per hour, for a total of \$20.00. (*Id.*)

13. The time spent on this case for which I am seeking compensation also includes work for Jessica Brown as a research and writing attorney. I reviewed each of Ms. Brown's entries, resulting in a total of 48.3 additional hours on this case. Ms. Brown's time on this case was billed at a rate of \$200.00 per hour, for a total of \$9,660.00. (*Id.*)

14. The time spent on this case for which I am seeking compensation also includes work for Pharan Burchfield, my paralegal. I reviewed each of Ms. Burchfield's entries, resulting in a total of 49.7 additional hours on this case. Ms. Burchfield's time on this case was billed at the rate of \$150.00 per hour for work performed from November 9, 2017 through December 31, 2019 (25.9 hours), and at a rate of \$175.00 per hour for work performed after December 31, 2019 (23.8 hours), for a total billed of \$8,050.00. (*Id.*)

15. The time spent on this case for which I am seeking compensation also includes work for Lacey Ambro, my paralegal. I reviewed each of Ms. Ambro's entries, resulting in a total of 13.2 hours on this case. (*Id.*) Ms. Ambro's paralegal time on this case (9.1 hours) was billed at the rate of \$150.00 per hour, while her time for administrative tasks performed in this matter (4.1 hours) was billed at a rate of \$50.00 per hour, for a total billed of \$1,570.00. (*Id.*)

16. I exercised appropriate billing judgment and structured work on this case to maximize efficiencies, and the hours listed in the fee request are neither duplicative, unnecessary nor excessive.

17. To keep billing as low as possible, lower-billing attorneys conducted attorney work where appropriate. Further, I utilized a paraprofessional to perform tasks such

1 as research and organization to assure that attorneys with higher billing rates were not billing
2 for tasks that lower billers could perform.

3 18. The rates I billed in this matter are reasonable. I manage my firm, and set
4 the firm's billing rates, which exceed those charged in this matter. Further, the work
5 performed by my firm in this matter was more complex and required more specialized
6 expertise than in routine matters.

7 19. In all these ways, I have charged a reasonable and reduced rate for the
8 attorneys' time.

9 20. I am also seeking compensation for \$3,581.48 of expenses reasonably and
10 necessarily incurred in this matter, as set forth in the Las Vegas Review-Journal's
11 Memorandum of Costs and Disbursements.

12 21. The Copying Costs reflected in the Memorandum of Costs and
13 Disbursements were reasonably incurred for the purposes of editing, proofread, and
14 preparation for oral argument.

15 22. The E-Filing Fees reflected in the Memorandum of Cost sand
16 Disbursements were reasonably incurred for the purposes of timely filing motions,
17 oppositions, and other papers in this matter.

18 23. The Legal Research Costs reflected in the Memorandum of Costs and
19 Disbursements were reasonably incurred in researching and drafting the legal arguments
20 which ultimately led to the Review-Journal prevailing in this matter.

21 24. The Postage Costs reflected in the Memorandum of Costs and
22 Disbursements were reasonably incurred in sending copies of documents to opposing
23 counsel.

24 25. The Transcript Costs reflected in the Memorandum of Costs and
25 Disbursements were reasonably incurred in obtaining transcripts for hearings held in 2020,
26 which were critical to drafting written orders in this matter.

27 26. The Las Vegas Review-Journal was required to dedicate substantial time to
28 fully litigating this matter at both the district court and appellate levels.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

27. On or about December 31, 2020, the Coroner delivered the requested records to my office in electronic format.

28. I certify and declare under the penalty of perjury under the law of the State of Nevada that the foregoing is true and correct, and this declaration was executed at Las Vegas, Nevada, the 2nd day of February, 2021.

/s/ Margaret A. McLetchie
Margaret A. McLetchie, NBN 10931

EXHIBIT 1

Date	Billor	Time	Description	Rate	Total
11/9/2017	Margaret McLetchie	0.2	Review final Order; direct Ms. Burchfield to update client and check calendaring of deadline to appeal, deadline for attorney's fees.	\$ 450.00	\$ 90.00
11/9/2017	Margaret McLetchie	0.2	Confer with paralegal re notice of entry of Order, associated deadlines, and updating clients.	\$ 450.00	\$ 90.00
11/9/2017	Pharan Burchfield	0.3	File Order Granting Petitioner LVRJ's Public Records Act Application Pursuant to Nev. Rev. Stat. 239.001/ Petition for Writ of Mandamus; draft, file, and serve/mail Notice of Entry of Order re same; email clients file-stamped copy re same; and calendar deadlines triggered by filing as appropriate.	\$ 150.00	\$ 45.00
11/27/2017	Alina Shell	2.2	Begin drafting Motion for Attorney's Fees and Costs.	\$ 350.00	\$ 770.00
11/27/2017	Alina Shell	0.6	Continue drafting Motion for Attorney's Fees and Costs.	\$ 350.00	\$ 210.00
11/27/2017	Margaret McLetchie	0.2	Check schedule/ attention to calendaring dates.	\$ 450.00	\$ 90.00
11/28/2017	Alina Shell	1.3	Complete draft of Motion for Attorney's Fees and Costs and email same to Ms. McLetchie for review.	\$ 350.00	\$ 455.00
11/28/2017	Alina Shell	1.2	Per Ms. McLetchie's request, conduct legal research regarding NRAP 8 and Coroner's obligations regarding complying with court Order to produce documents and/or moving to stay enforcement of Order.	\$ 350.00	\$ 420.00
11/28/2017	Margaret McLetchie	1.0	Research re stay issues (Coroner's office has not filed notice of appeal or Motion for stay); consider related strategy to obtain documents; direct Ms. Shell re further research.	\$ 450.00	\$ 450.00
11/29/2017	Alina Shell	0.1	Further attention to Motion for Attorney's Fees and Costs.	\$ 350.00	\$ 35.00
11/29/2017	Alina Shell	0.1	Provide instruction to Ms. Burchfield regarding exhibits and supporting documentation for Motion for Attorney's Fees and Costs.	\$ 350.00	\$ 35.00
11/29/2017	Alina Shell	0.4	Edit spreadsheet of fees for inclusion with Motion for Attorney's Fees and Costs.	\$ 350.00	\$ 140.00
11/29/2017	Alina Shell	1.0	Revise draft of Motion for Attorney's Fees and Costs.	\$ 350.00	\$ 350.00
11/29/2017	Alina Shell	0.4	Draft declaration for Ms. McLetchie in support of Motion for Attorney's Fees and Costs.	\$ 350.00	\$ 140.00
11/29/2017	Margaret McLetchie	1.0	Review time entries and billing for accuracy and inclusion in Motion for Attorney's Fees and Costs.	\$ 450.00	\$ 450.00
11/29/2017	Margaret McLetchie	2.0	Work on Motion for Attorney's Fees and Costs.	\$ 450.00	\$ 900.00
11/29/2017	Pharan Burchfield	2.2	Prepare Ms. McLetchie's declaration and exhibits; finalize Motion for Attorney's Fees and Costs and file and serve/mail all re same.	\$ 150.00	\$ 330.00
11/30/2017	Pharan Burchfield	0.1	Download, save, and review file-stamped copy of Motion for Attorney's Fees and Costs; calendar appropriately.	\$ 150.00	\$ 15.00
11/30/2017	Pharan Burchfield	0.1	Email file-stamped copy of Petitioner's Motion for Attorney's Fees and Costs to clients for review/records.	\$ 150.00	\$ 15.00
12/5/2017	Alina Shell	4.2	Draft opposition to Motion to stay Order pending appeal.	\$ 350.00	\$ 1,470.00
12/5/2017	Alina Shell	0.1	Final edit of draft opposition to Motion for Stay; email to Ms. McLetchie for review and comment.	\$ 350.00	\$ 35.00
12/5/2017	Pharan Burchfield	0.1	Circulate/email draft of Opposition to Motion for Stay to clients for review.	\$ 150.00	\$ 15.00
12/6/2017	Alina Shell	0.6	Edit and proofread final draft of opposition to Motion to Stay.	\$ 350.00	\$ 210.00
12/6/2017	Margaret McLetchie	2.6	Attention to revising draft opposition to Motion to stay. Respond to and address client questions re same. Address client comments.	\$ 450.00	\$ 1,170.00
12/6/2017	Margaret McLetchie	0.2	Further attention to stay, Motion to expedite strategy. Emails with client.	\$ 450.00	\$ 90.00
12/6/2017	Margaret McLetchie	0.9	Finalize Opposition to Motion to Stay; revise to address comments from client.	\$ 450.00	\$ 405.00
12/6/2017	Margaret McLetchie	0.6	Review notice of appeal. Consider case strategy, including possible Motion to expedite.	\$ 450.00	\$ 270.00
12/6/2017	Pharan Burchfield	0.4	Incorporate final edits, file and serve/mail Petitioner Las Vegas Review-Journal's Opposition to Motion for Stay of District Court Order and Order Shortening Time.	\$ 150.00	\$ 60.00
12/6/2017	Pharan Burchfield	0.1	Download and review Notice of Appeal; create hard-copy, electronic and time-keeping files re same. Calendar as appropriate. Check Nevada Supreme Court website to confirm deadlines re same.	\$ 150.00	\$ 15.00
12/7/2017	Admin Admin	0.3	Dropped off Petitioner Las Vegas Review-Journal's Opposition to Motion for Stay of District Court Order and Order Shortening time at the Las Vegas Regional Justice Center: 200 Lewis Ave. Las Vegas, NV, 89101.	\$ 25.00	\$ 7.50
12/7/2017	Pharan Burchfield	0.2	Download, save, and review Notice of Assignment to NRAP 16 Settlement Program. Calendar as appropriate. Add Settlement Judge Israel Kunin's contact information into system; check for conflicts re same.	\$ 150.00	\$ 30.00
12/8/2017	Margaret McLetchie	0.2	Review notice of assignment to settlement program; Email to Ms. Rehfeldt re due date for settlement briefs and extending same until after premediation conference call.	\$ 450.00	\$ 90.00
12/11/2017	Lacey Ambro	0.4	Prepare Binder for Motion to Stay Hearing.	\$ 50.00	\$ 20.00
12/11/2017	Margaret McLetchie	0.3	Call with Laura Rehfeldt and to chambers re hearing schedule for 12/12. (.2) Email to clients re hearing scheduling. (.1)	\$ 450.00	\$ 135.00
12/11/2017	Margaret McLetchie	1.8	Communication with client. Prepare for hearing on Motion to Stay.	\$ 450.00	\$ 810.00
12/11/2017	Margaret McLetchie	0.2	Call with Laura Rehfeldt and to settlement judge re settlement briefs; email to file memorializing same.	\$ 450.00	\$ 90.00
12/12/2017	Alina Shell	0.8	In court for hearing on Coroner's Office's Motion for Stay.	\$ 350.00	\$ 280.00

12/12/2017	Margaret McLetchie	1.7	Prepare for and attend hearing on Coroner's Motion for Stay.	\$ 450.00	\$ 765.00
12/12/2017	Margaret McLetchie	0.2	APPEAL: Review and respond to email re pre-mediation telephone conference explaining case status and reasons why not appropriate for settlement.	\$ 450.00	\$ 90.00
12/14/2017	Alina Shell	0.4	APPEAL: Prepare to draft Motion for expedited consideration: review Nevada Rules of Appellate Procedure and review other Supreme Court filings to verify necessary contents and structure of Motion.	\$ 350.00	\$ 140.00
12/14/2017	Margaret McLetchie	0.3	Review Coroner's draft proposed Order granting stay, and provide input re same.	\$ 450.00	\$ 135.00
12/15/2017	Alina Shell	2.0	APPEAL: Complete draft Motion to Expedite Appeal and circulate draft to Ms. McLetchie.	\$ 350.00	\$ 700.00
12/15/2017	Alina Shell	0.8	APPEAL: Revise Motion to expedite appeal pursuant to edits and suggestions from Ms. McLetchie.	\$ 350.00	\$ 280.00
12/15/2017	Margaret McLetchie	0.5	APPEAL: Revise and edit Motion to Expedite Appeal.	\$ 450.00	\$ 225.00
12/15/2017	Pharan Burchfield	0.3	APPEAL: Prepare for filing Motion to Expedite Appeal (and exhibit); file and serve re same. Email clients file-stamped copy re same. Calendar response deadlines accordingly.	\$ 150.00	\$ 45.00
12/20/2017	Pharan Burchfield	0.2	APPEAL: Send/mail Settlement Judge a file-stamped copy of the Motion to Expedite Appeal; draft, file, and serve/mail an Amended Certificate of Service re same.	\$ 150.00	\$ 30.00
12/21/2017	Alina Shell	1.4	Review opposition to Motion for Attorney's Fees and Costs, and investigate factual allegation contained therein regarding Coroner's prelitigation confidentiality assertions. Research regarding legislative history of NRS 239.011 and state agency interpretations of same. Confer with Ms. McLetchie re same.	\$ 350.00	\$ 490.00
12/21/2017	Margaret McLetchie	0.2	Attention to execution of joint proposed Order on Motion to Stay; correct error in firm name.	\$ 450.00	\$ 90.00
12/21/2017	Margaret McLetchie	2.0	Confer with Ms. Shell re Opposition to Motion for Attorney's Fees and addressing arguments made by Coroner's Office.	\$ 450.00	\$ 900.00
12/22/2017	Alina Shell	2.0	Begin drafting reply to opposition to Motion for Attorney's Fees and Costs: draft preliminary section and section re bad faith.	\$ 350.00	\$ 700.00
12/26/2017	Alina Shell	3.8	Resume drafting reply to Motion for Attorney's Fees and Costs: finish drafting response to Coroner's Office argument regarding "bad faith," and respond to arguments regarding attorneys' and paralegal's rates, and draft introduction.	\$ 350.00	\$ 1,330.00
12/27/2017	Alina Shell	1.4	APPEAL: Edit and expand reply to Coroner's opposition to Motion to Expedite: Edit sections drafted by Ms. McLetchie and add sections to reply to re (1) First Amendment right of access and (2) new litigation in district court.	\$ 350.00	\$ 490.00
12/27/2017	Alina Shell	0.4	APPEAL: Write Motion for leave to exceed 5-page limit set by NRAP 27 for reply to the Coroner's opposition to Motion to Expedite.	\$ 350.00	\$ 140.00
12/27/2017	Alina Shell	0.5	APPEAL: Final proofread and edit of reply to opposition to Motion to Expedite Appeal.	\$ 350.00	\$ 175.00
12/27/2017	Alina Shell	0.6	APPEAL: Continue drafting Motion for leave to file a reply in excess of page limit to Coroner's opposition to Motion to expedite appeal.	\$ 350.00	\$ 210.00
12/27/2017	Alina Shell	0.5	APPEAL: Finalize draft of reply in support of Motion to Expedite Appeal.	\$ 350.00	\$ 175.00
12/27/2017	Margaret McLetchie	1.1	APPEAL: edit draft reply in support of Motion to Expedite Appeal. Circulate to clients. Direct finalization.	\$ 450.00	\$ 495.00
12/27/2017	Pharan Burchfield	0.5	APPEAL: Draft and finalize Motion for Excess Pages re Reply to Expedite Appeal; finalize, file and serve/mail Reply to Opposition to Motion to Expedite Appeal.	\$ 150.00	\$ 75.00
12/28/2017	Alina Shell	2.3	APPEAL: Draft confidential settlement statement.	\$ 350.00	\$ 805.00
12/28/2017	Pharan Burchfield	0.1	APPEAL: Email file-stamped copies of Motion for Excess Pages re Reply in support of Motion to Expedite Appeal; finalize, file and serve/mail Reply to Opposition to Motion to Expedite Appeal and Docketing Statement to clients.	\$ 150.00	\$ 15.00
12/29/2017	Pharan Burchfield	0.3	APPEAL: Finalize and send (mail/email) Respondent Las Vegas Review-Journal's Confidential Statement Regarding Settlement to Settlement Judge.	\$ 150.00	\$ 45.00
1/4/2018	Leo Wolpert	1.1	Read opposition to Motion for Attorney's Fees and Costs, edit and proofread Reply to opposition.	\$ 200.00	\$ 220.00
1/4/2018	Margaret McLetchie	0.4	Prepare and attend call with settlement judge; update team re next steps.	\$ 450.00	\$ 180.00
1/4/2018	Margaret McLetchie	1.8	Revise reply in support of Motion for aAttorney's Fees and Costs.	\$ 450.00	\$ 810.00
1/4/2018	Pharan Burchfield	0.9	Prepare exhibits and draft declaration re Reply; finalize, file, and serve/mail Reply to Opposition to Motion for Attorney's Fees and Costs.	\$ 150.00	\$ 135.00
1/5/2018	Lacey Ambro	0.6	Prepare Judge's Courtesy Copy and Hearing Binder re: Motion for Attorney's Fees.	\$ 50.00	\$ 30.00
1/5/2018	Lacey Ambro	0.3	Dropped off Courtesy Copy Binder to Judge Crockett re: Motion for Attorney's Fees.	\$ 50.00	\$ 15.00
1/5/2018	Pharan Burchfield	0.1	Email clients briefing re Motion for Attorney's Fees and Costs and hearing information.	\$ 150.00	\$ 15.00
1/10/2018	Margaret McLetchie	0.8	Prepare for hearing on Motion for Attorney's Fees and Costs.	\$ 450.00	\$ 360.00
1/11/2018	Margaret McLetchie	2.5	Prepare for and attend hearing on Motion for Attorney's Fees and Costs. Update clients re same, plan next steps (drafting of Order).	\$ 450.00	\$ 1,125.00
1/11/2018	Pharan Burchfield	0.5	Prepare Blackjack Bonding v LVMPD research/ fees application briefing for today's argument for Ms. McLetchie.	\$ 150.00	\$ 75.00

1/17/2018	Alina Shell	2.8	Draft Order granting Motion for Attorney's Fees and Costs, and email same to Ms. McLetchie for review and approval.	\$ 350.00	\$ 980.00
1/17/2018	Alina Shell	0.5	Per Ms. McLetchie's request, review and edit her revisions to proposed Order granting Motion for Attorney's Fees and Costs.	\$ 350.00	\$ 175.00
1/17/2018	Margaret McLetchie	1.1	Attention to revising proposed Order on Motion for Attorney's Fees and Costs.	\$ 450.00	\$ 495.00
1/18/2018	Leo Wolpert	0.8	Edit and proofread proposed Order on Motion for Attorney's Fees and Costs..	\$ 200.00	\$ 160.00
1/18/2018	Margaret McLetchie	0.6	Follow up re submission of Order on Motion for Attorney's Fees and Costs.	\$ 450.00	\$ 270.00
1/18/2018	Margaret McLetchie	0.2	Review Order on Motion to Expedite Appeal and confer with Ms. Burchfield re calendaring.	\$ 450.00	\$ 90.00
1/18/2018	Pharan Burchfield	0.3	Finalize proposed Order granting Motion for Attorney's Fees and Costs; draft and send Ms. McLetchie's letter to Honorable Judge Crockett and opposing counsel re submitting competing Orders re same.	\$ 150.00	\$ 45.00
1/18/2018	Pharan Burchfield	0.1	APPEAL: Download, save, and review Order re Expedite Appeal; send to clients re same; and calendar accordingly.	\$ 150.00	\$ 15.00
1/19/2018	Alina Shell	0.4	Review letter to Judge Crockett from Ms. Rehfeldt regarding the proposed Order granting Motion for Attorney's Fees and Costs. Review proposed Order and revise to address area of concern in Ms. Rehfeldt's letter re the scope of 239.012.	\$ 350.00	\$ 140.00
1/19/2018	Margaret McLetchie	0.4	Attention to submission of proposed Order granting Motion for Attorney's Fees and Costs. Letter to Judge Crockett's chambers.	\$ 450.00	\$ 180.00
2/1/2018	Pharan Burchfield	0.2	File Order Granting Petitioner Las Vegas Review-Journal's Motion for Attorney's Fees and Costs; draft, file, and serve/mail Notice of Entry of Order re same.	\$ 150.00	\$ 30.00
2/2/2018	Margaret McLetchie	1.2	Review and assess Motion for Stay of Order granting Motion for Attorney's Fees and Costs filed in district court; circulate to clients.	\$ 450.00	\$ 540.00
2/6/2018	Pharan Burchfield	0.1	Email clients Notice of Appeal and Case Appeal Statement re Order Granting Attorney's Fees and Costs.	\$ 150.00	\$ 15.00
2/12/2018	Leo Wolpert	5.5	Research, draft opposition to Motion for Stay of Order granting Motion for Attorney's Fees and Costs.	\$ 200.00	\$ 1,100.00
2/12/2018	Margaret McLetchie	1.4	Attention to opposition to Motion for Stay of order granting Motion for Attorney's Fees and Costs.	\$ 450.00	\$ 630.00
2/13/2018	Leo Wolpert	2.0	Finish opposition to Motion for Stay of Order granting Motion for Attorney's Fees and Costs.	\$ 200.00	\$ 400.00
2/13/2018	Margaret McLetchie	2.7	Finalize opposition to Motion for Stay of Order granting Motion for Attorney's Fees and Costs.	\$ 450.00	\$ 1,215.00
2/13/2018	Pharan Burchfield	0.2	Finalize, file, and serve/mail Opposition to Motion for Stay of Order granting Motion for Attorney's Fees and Costs.	\$ 150.00	\$ 30.00
2/14/2018	Admin Admin	0.5	Dropped off Opposition to Renewed Motion for Order Shortening Time on Motion for Stay of District Court Order at the Las Vegas Phoenix Building: 330 S 3rd St. Las Vegas NV, 89101 Department 24.	\$ 25.00	\$ 12.50
2/14/2018	Lacey Ambro	0.8	Prepare Hearing binder regarding Respondent's Renewed Motion for Order Shortening Time on Motion for Stay of Order granting Motion for Attorney's Fees and Costs.	\$ 50.00	\$ 40.00
2/15/2018	Margaret McLetchie	3.7	Prepare for and attend hearing on Motion for Stay of Order granting Motion for Attorney's Fees and Costs.	\$ 450.00	\$ 1,665.00
2/20/2018	Margaret McLetchie	0.2	APPEAL: Email to settlement judge re possible settlement conference (not appropriate for mediation) to avoid unnecessary fees.	\$ 450.00	\$ 90.00
2/22/2018	Pharan Burchfield	0.1	APPEAL: Download, review, save, and calendar Order Removing from Settlement Program (Case No. 75095) and Reinstating Briefing.	\$ 150.00	\$ 15.00
2/26/2018	Margaret McLetchie	1.2	Attention to Order denying Motion for Stay of Order on Motion for Attorney's Fees and Costs.	\$ 450.00	\$ 540.00
2/27/2018	Margaret McLetchie	0.5	Continued attention to Order Denying Motion for Stay of Order granting Motion for Attorney's Fees and Costs.	\$ 450.00	\$ 225.00
2/27/2018	Pharan Burchfield	0.4	Begin drafting proposed Order Denying Motion for Stay for Ms. McLetchie's review.	\$ 150.00	\$ 60.00
2/28/2018	Margaret McLetchie	0.4	Continued attention to Order denying Motion for Stay of Order granting Motion for Attorney's Fees and Costs.	\$ 450.00	\$ 180.00
3/1/2018	Pharan Burchfield	0.1	Email communications with Mr. Echols confirming approval of proposed Order denying stay of Order granting Motion for Attorney's Fees and Costs; direct Ms. Lopez to pick-up and deliver to Honorable Judge Crockett.	\$ 150.00	\$ 15.00
3/6/2018	Admin Admin	0.7	Picked up Order Denying Respondent's Renewed Motion on Order Shortening Time for Stay of District Court Order at the Las Vegas Phoenix Building: 330 S 3rd St Las Vegas, NV 89101 Department 24.	\$ 25.00	\$ 17.50
3/6/2018	Margaret McLetchie	0.1	Emails with chambers recorder for pick up.	\$ 450.00	\$ 45.00
3/7/2018	Margaret McLetchie	0.3	Attention to issues regarding stay, coroner's apparent plan to appeal denial of same. Review Notice of Entry of Order.	\$ 450.00	\$ 135.00
3/7/2018	Pharan Burchfield	0.2	File Order Denying Respondent's Renewed Motion on Order Shortening Time for Stay of District Court Order; draft, file, and serve/mail Notice of Entry of Order re same.	\$ 150.00	\$ 30.00
3/8/2018	Margaret McLetchie	0.1	APPEAL: Review and respond to email regarding appendices.	\$ 450.00	\$ 45.00
3/8/2018	Margaret McLetchie	0.1	FEES APPEAL: Review and respond to email regarding appendices.	\$ 450.00	\$ 45.00

3/8/2018	Margaret McLetchie	1.0	FEES APPEAL: Attention to Motion for Stay filed by coroner's office.	\$ 450.00	\$ 450.00
3/13/2018	Alina Shell	0.7	FEES APPEAL: Per Ms. McLetchie's request, edit draft version of opposition to Motion to Stay Order re attorney's fees.	\$ 350.00	\$ 245.00
3/13/2018	Margaret McLetchie	1.0	APPEAL: Attention to Opposition to Motion for Stay.	\$ 450.00	\$ 450.00
3/13/2018	Pharan Burchfield	0.2	FEES APPEAL: Draft Opposition to Emergency Relief Under NRAP 27(e).	\$ 150.00	\$ 30.00
3/15/2018	Margaret McLetchie	0.4	APPEAL: Revision to Opposition to Motion to Stay. Direction to Ms. Shell regarding same.	\$ 450.00	\$ 180.00
3/16/2018	Alina Shell	0.3	APPEAL: Per Ms. McLetchie's request, review the Coroner's Office's proposed joint appendix, compare to documents filed in district court, and draft brief memorandum regarding additional documents for inclusion.	\$ 350.00	\$ 105.00
3/16/2018	Alina Shell	1.1	APPEAL: Draft opposition to consolidation.	\$ 350.00	\$ 385.00
3/16/2018	Alina Shell	0.1	APPEAL: Per Ms. McLetchie's request, email Ms. Dell, paralegal, at Marquis Aurbach Coffing regarding addition to proposed joint appendix for Coroner appeal.	\$ 350.00	\$ 35.00
3/16/2018	Leo Wolpert	6.3	APPEAL: Draft, edit, research Opposition to emergency Motion for Stay at Nevada Supreme Court.	\$ 200.00	\$ 1,260.00
3/16/2018	Margaret McLetchie	0.3	APPEAL: Continued attention to Opposition to stay and emails to team regarding same.	\$ 450.00	\$ 135.00
3/16/2018	Margaret McLetchie	1.0	APPEAL: Opposition to Motion to Consolidate.	\$ 450.00	\$ 450.00
3/19/2018	Alina Shell	0.5	APPEAL: Complete draft of opposition to Motion to consolidate appeals.	\$ 350.00	\$ 175.00
3/19/2018	Alina Shell	1.7	APPEAL: Edit opposition to Motion for stay of judgment re attorney's fees.	\$ 350.00	\$ 595.00
3/19/2018	Alina Shell	0.1	APPEAL: Final pre-filing edit of opposition to Motion to consolidate appeals, confer with Ms. McLetchie re same.	\$ 350.00	\$ 35.00
3/19/2018	Alina Shell	0.4	APPEAL: Edit Motion for leave to file excess pages for opposition to Motion for stay of attorney fee award Order.	\$ 350.00	\$ 140.00
3/19/2018	Margaret McLetchie	0.6	APPEAL: Review and revise Opposition to Motion to Consolidate.	\$ 450.00	\$ 270.00
3/19/2018	Pharan Burchfield	0.2	APPEAL: Finalize, file, and serve (into both cases) Opposition to Motion to Consolidate Appeals.	\$ 150.00	\$ 30.00
3/19/2018	Pharan Burchfield	0.2	APPEAL: Draft Motion for Excess Pages re Opposition to Stay.	\$ 150.00	\$ 30.00
3/20/2018	Alina Shell	0.6	APPEAL: Final pre-filing review and edit of opposition to Motion to stay Order re attorney fees and Motion for leave to file excess pages.	\$ 350.00	\$ 210.00
3/20/2018	Pharan Burchfield	0.3	FEES APPEAL: Finalize and file/serve Motion for Leave to File Response in Excess of Page/Type Volume Limitation and proposed Opposition to Emergency Motion for Relief Under NRAP 27(e).	\$ 150.00	\$ 45.00
3/21/2018	Pharan Burchfield	0.1	FEES APPEAL: Download, save, and email clients Opposition to Emergency Motion for Stay Under NRAP 27(e).	\$ 150.00	\$ 15.00
3/28/2018	Margaret McLetchie	0.2	APPEAL: Confer with client regarding possible Reporters Committee for Freedom of the Press ("RCFP") amicus brief in the case.	\$ 450.00	\$ 90.00
4/6/2018	Alina Shell	0.3	APPEAL: Review Coroner's Office proposed joint appendix list for appeal of writ, and respond to Ms. Dell re same.	\$ 350.00	\$ 105.00
4/12/2018	Alina Shell	0.2	FEES APPEAL: Review en banc Supreme Court opinion regarding Coroner's Motion for stay of attorney fees Order.	\$ 350.00	\$ 70.00
4/12/2018	Alina Shell	2.0	FEES APPEAL: Per Ms. McLetchie's request, research regarding grounds for reconsideration of en banc decision re stay of attorney fees Order.	\$ 350.00	\$ 700.00
4/12/2018	Alina Shell	0.4	FEES APPEAL: Continue research regarding en banc reconsideration.	\$ 350.00	\$ 140.00
4/12/2018	Leo Wolpert	4.3	FEES APPEAL: Read Supreme Court decision granting stay to Coroner, research post-Nken federal cases regarding whether 62(d) and 62(e) work in tandem to give governmental entities stays as a matter of right.	\$ 200.00	\$ 860.00
4/12/2018	Margaret McLetchie	1.1	FEES APPEAL: Review Order regarding Stay of Fees Award, Consider possible petition for rehearing and Confer with team regarding same.	\$ 450.00	\$ 495.00
4/13/2018	Alina Shell	0.8	FEES APPEAL: Meeting with Mr. Wolpert to discuss possible petition for rehearing (.4). Review Justice Cherry's dissent in Order granting stay to identify potential issues to raise in petition for rehearing and conduct research re same. (.4).	\$ 350.00	\$ 280.00
4/13/2018	Leo Wolpert	4.5	FEES APPEAL: Research and write argument for petition for rehearing of Supreme Court Order granting stay.	\$ 200.00	\$ 900.00
4/13/2018	Pharan Burchfield	0.2	APPEAL: Download, save, and review Motion for Extension of Time re Appellant's Opening Brief and Joint Appendix and Order Granting Extension re same; calendar briefing schedules.	\$ 150.00	\$ 30.00
4/16/2018	Alina Shell	1.5	FEES APPEAL: Edit and expand Mr. Wolpert's draft of petition for rehearing on stay of award of attorney's fees. Legal research re NRAP 8(a) to include argument re how Order could result in nullification of the rule. Edit opposition to Motion to stay enforcement of award Order pending appeal.	\$ 350.00	\$ 525.00
4/16/2018	Leo Wolpert	1.8	FEES APPEAL: Finish drafting petition for reconsideration of Order on Motion for Stay.	\$ 200.00	\$ 360.00
4/16/2018	Margaret McLetchie	0.3	FEES APPEAL: Attention to Petition for Rehearing; Direct Ms. Shell regarding strategy regarding same.	\$ 450.00	\$ 135.00
4/17/2018	Alina Shell	1.0	FEES APPEAL: Complete draft of petition for rehearing and circulate to Ms. McLetchie for review and comment.	\$ 350.00	\$ 350.00

4/17/2018	Alina Shell	1.1	FEES APPEAL: Address Ms. McLetchie's edits and comments to draft of petition for rehearing.	\$ 350.00	\$ 385.00
4/17/2018	Leo Wolpert	0.5	FEES APPEAL: Edit and proofread Supreme Court petition for rehearing.	\$ 200.00	\$ 100.00
4/17/2018	Margaret McLetchie	0.8	FEES APPEAL: Revise Petition for Rehearing and confer with Ms. Shell regarding same.	\$ 450.00	\$ 360.00
4/18/2018	Margaret McLetchie	0.5	FEES APPEAL: Revise Petition for Rehearing and circulate.	\$ 450.00	\$ 225.00
4/19/2018	Margaret McLetchie	0.5	FEES APPEAL: Perform research and provide to Ms. Shell for inclusion in Motion to Reconsider.	\$ 450.00	\$ 225.00
4/23/2018	Alina Shell	0.4	FEES APPEAL: Add additional argument to Motion for rehearing pursuant to discussion with Ms. McLetchie.	\$ 350.00	\$ 140.00
4/26/2018	Leo Wolpert	0.5	FEES APPEAL: edit and proofread petition for rehearing.	\$ 200.00	\$ 100.00
4/27/2018	Alina Shell	0.8	FEES APPEAL: Review and incorporate Mr. Wolpert's edits to petition for rehearing, and do additional proofreading/editing.	\$ 350.00	\$ 280.00
4/30/2018	Alina Shell	0.1	FEES APPEAL: pre-final review of petition for rehearing; email same to Ms. McLetchie for final review and approval.	\$ 350.00	\$ 35.00
4/30/2018	Alina Shell	0.2	FEES APPEAL: Incorporate final edits to petition for rehearing.	\$ 350.00	\$ 70.00
4/30/2018	Pharan Burchfield	0.3	FEES APPEAL: Finalize and file/serve Petition for Rehearing.	\$ 150.00	\$ 45.00
5/21/2018	Pharan Burchfield	0.2	APPEAL: Download and save Clark County Office of Coroner/Medical Examiner's Motion for Extension of Time to File Opening Brief. Draft, file, and serve Notice of Non-Opposition to Petitioner Clark County Office of Coroner/Medical Examiner's Motion for Extension of Time to File Opening Brief.	\$ 150.00	\$ 30.00
5/23/2018	Pharan Burchfield	0.1	FEES APPEAL: Download, save, review, and update calendars re Coroner's Motion (and Notice of Approved Motion) for Extension re Opening Brief and Appendix.	\$ 150.00	\$ 15.00
6/6/2018	Pharan Burchfield	0.1	APPEAL: Download, save, and review Appellant's Opening Brief. Calendar Answering Brief as appropriate.	\$ 150.00	\$ 15.00
6/22/2018	Pharan Burchfield	0.2	FEES APPEAL: Download, save, and review Joint Appendix (volumes 1 and 2); send to attorneys re same; and download, save, and review Appellant's Second Motion to Extend Opening Brief; calendar response re same.	\$ 150.00	\$ 30.00
6/28/2018	Alina Shell	0.1	APPEAL: Email Ms. Nichols regarding intent to file Motion for Extension of Time for Filing Answering Brief for appeal.	\$ 350.00	\$ 35.00
6/28/2018	Alina Shell	0.6	APPEAL: Review Opening Brief filed by Coroner and conduct preliminary research re arguments.	\$ 350.00	\$ 210.00
6/28/2018	Alina Shell	0.8	APPEAL: Draft Motion for Extension of Time for Filing Answering Brief.	\$ 350.00	\$ 280.00
6/28/2018	Pharan Burchfield	0.3	APPEAL: Begin preparing Unopposed Motion for an Extension re Answering Brief for attorneys' review/approval.	\$ 150.00	\$ 45.00
6/29/2018	Pharan Burchfield	0.1	APPEAL: Finalize and file Unopposed Motion for Extension to File Respondents' Answering Brief.	\$ 150.00	\$ 15.00
7/2/2018	Carly Krygier	0.1	Review and edit Public Records Act request regarding fees paid to outside counsel in case.	\$ 200.00	\$ 20.00
7/2/2018	Pharan Burchfield	0.1	Finalize and send (email) Public Records Act requests to Ms. Rehfeldt re Marquis Aurbach Coffing agreement.	\$ 150.00	\$ 15.00
7/2/2018	Pharan Burchfield	0.1	FEES APPEAL: Download, review, and update calendars per Order Granting Motion re extension of deadline of Answering Brief.	\$ 150.00	\$ 15.00
7/2/2018	Pharan Burchfield	0.1	FEES APPEAL: Download, review, and update calendars per Order Granting Motion re extension of deadline of Opening Brief (and approximate deadline for Answering Brief).	\$ 150.00	\$ 15.00
7/9/2018	Pharan Burchfield	0.1	Review and save Ms. Rehfeldt's response to Public Records Act requests re Marquis Aurbach Coffing agreement.	\$ 150.00	\$ 15.00
7/19/2018	Pharan Burchfield	0.1	FEES APPEAL: Download, save, and review Appellant's Opening Brief; calendar Answering Brief accordingly.	\$ 150.00	\$ 15.00
7/24/2018	Margaret McLetchie	0.4	APPEAL: Plan strategy on appeal.	\$ 450.00	\$ 180.00
7/31/2018	Margaret McLetchie	0.2	APPEAL: Continue appellate planning.	\$ 450.00	\$ 90.00
8/6/2018	Pharan Burchfield	0.5	APPEAL: Prepare shell Answering Brief for attorneys' drafting.	\$ 150.00	\$ 75.00
8/7/2018	Margaret McLetchie	0.3	APPEAL: Email conferences with client and with RCFP regarding Amicus Brief.	\$ 450.00	\$ 135.00
8/9/2018	Margaret McLetchie	0.3	APPEAL: Attention to Amicus Brief. Email with client regarding status.	\$ 450.00	\$ 135.00
8/10/2018	Alina Shell	1.5	APPEAL: Review Coroner Opening Brief and begin researching and outlining response to Coroner's statement of facts and procedural history. Meeting with Ms. McLetchie to discuss same, and discuss apportionment of different sections of Answering Brief.	\$ 350.00	\$ 525.00
8/10/2018	Margaret McLetchie	5.4	APPEAL: Work on Answering Brief. Review opening brief and meet with Ms. Shell.	\$ 450.00	\$ 2,430.00
8/12/2018	Alina Shell	3.1	APPEAL: Draft response to statement of facts and procedural history in Coroner's opening brief.	\$ 350.00	\$ 1,085.00
8/12/2018	Alina Shell	1.2	APPEAL: Per Ms. McLetchie's request, draft portion of Answering Brief responding to Coroner's Office's previously unasserted argument regarding retroactive application of changes to NRS made by 2017 AB 57.	\$ 350.00	\$ 420.00
8/12/2018	Alina Shell	1.9	APPEAL: Per Ms. McLetchie's request, draft argument for Answering Brief regarding impermissible costs for privilege review and redaction.	\$ 350.00	\$ 665.00

8/12/2018	Margaret McLetchie	6.2	APPEAL: Revise draft of Answering Brief.	\$ 450.00	\$ 2,790.00
8/13/2018	Alina Shell	1.1	APPEAL: Per Ms. McLetchie's request, edit and refine response to statement of facts and procedural history for answering brief; specifically, edit section regarding hearsay and legal conclusions in Mr. Fudenberg's declaration.	\$ 350.00	\$ 385.00
8/13/2018	Alina Shell	12.3	APPEAL: Additional attention to answering brief: edit Motion for excess pages/type-volume; editing all arguments and response to statement of facts/procedural history; identify materials needed for Respondent's Appendix; edit and approve tables for same; proofread and check case law and record citations; edit and approve table of contents and table of authorities.	\$ 350.00	\$ 4,305.00
8/13/2018	Leo Wolpert	3.9	APPEAL: Edit, proofread, and cite check Answering Brief.	\$ 200.00	\$ 780.00
8/13/2018	Margaret McLetchie	5.0	APPEAL: Work on revising and finalizing Answering Brief; culate draft Brief to client.	\$ 450.00	\$ 2,250.00
8/13/2018	Pharan Burchfield	0.4	APPEAL: Draft shell Unopposed Motion re excess word-count in Answering Brief for drafting/editing by attorneys. Download and save for attorneys' review Orders denying re same File and serve Motion same.	\$ 150.00	\$ 60.00
8/13/2018	Pharan Burchfield	2.3	APPEAL: Draft, prepare, Bates, index, and put into volumes (3) Respondent's Appendix; file and serve re same. Prepare Table of Contents, Table of Authorities, Certificate of Compliance (non-compliant re pending unopposed Motion re word-count), and Certificate of Service re Respondent's Answering Brief; finalize, file, serve, and email courtesy copy to opposing counsel all re same.	\$ 150.00	\$ 345.00
8/14/2018	Pharan Burchfield	0.1	APPEAL: Email Reporters Committee for Freedom of the Press copies of Answering Brief and Appendices for their potential Amicus Brief.	\$ 150.00	\$ 15.00
8/16/2018	Margaret McLetchie	0.1	FEES APPEAL: Attention to Motion for Extension of deadlines.	\$ 450.00	\$ 45.00
8/16/2018	Pharan Burchfield	0.3	FEES APPEAL: Draft Unopposed Motion for Extension of Time to File Respondent's Answering Brief for Ms. McLetchie's review/approval.	\$ 150.00	\$ 45.00
8/17/2018	Margaret McLetchie	0.2	FEES APPEAL: Emails with opposing counsel re extension and attention to finalizing same.	\$ 450.00	\$ 90.00
8/17/2018	Pharan Burchfield	0.2	FEES APPEAL: Convert draft Unopposed Motion into Stipulation for Extension of Time to File Briefing (First Request); email communications with Mr. Echols confirms draft and permission to use esignature; file and serve re same.	\$ 150.00	\$ 30.00
8/21/2018	Margaret McLetchie	0.8	APPEAL: Review and analyze Amicus Brief file by RCFP and provide to client with comment. Email local counsel for RCFP.	\$ 450.00	\$ 360.00
8/21/2018	Pharan Burchfield	0.1	APPEAL: Download, save, and review Order Denying Excess Pages; update calendars accordingly.	\$ 150.00	\$ 15.00
8/22/2018	Jessica Brown	5.5	FEES APPEAL: Outline the Coroner's brief and the Las Vegas Review-Journal's corresponding arguments in the lower court.	\$ 200.00	\$ 1,100.00
8/23/2018	Jessica Brown	0.5	FEES APPEAL: Discuss Reply brief with Ms. McLetchie.	\$ 200.00	\$ 100.00
8/23/2018	Jessica Brown	5.4	FEES APPEAL: Copy edit text, review the content of citations, and copy edit citations for the LVRJ's response to the LVMPD's Writ of Mandamus.	\$ 200.00	\$ 1,080.00
8/23/2018	Jessica Brown	0.5	FEES APPEAL: Review the case law cited by the Coroner regarding whether we have to wait until the substantive appeal has been decided to collect attorneys' fees. Report to Ms. McLetchie re same.	\$ 200.00	\$ 100.00
8/23/2018	Margaret McLetchie	2.3	FEES APPEAL: Review Coroner's brief and work on answering brief. Identify and analyze legal issues. Assign research.	\$ 450.00	\$ 1,035.00
8/24/2018	Jessica Brown	3.8	FEES APPEAL: Reviewed Coroner's opening brief on attorney's fees, created outline to address Coroner's arguments and case law; began to draft brief based on the action in the lower court.	\$ 200.00	\$ 760.00
8/27/2018	Jessica Brown	2.4	FEES APPEAL: Continue to draft outline to address Coroner's arguments and case law; begin to draft brief based on the arguments made in the lower court.	\$ 200.00	\$ 480.00
8/27/2018	Margaret McLetchie	3.0	FEE APPEAL: Attention to work on and drafting of answering Answering Brief.	\$ 450.00	\$ 1,350.00
8/28/2018	Jessica Brown	5.2	FEES APPEAL: Continue to draft opening brief regarding attorney's fees by addressing Coroner's arguments and case law.	\$ 200.00	\$ 1,040.00
8/29/2018	Jessica Brown	7.1	FEES APPEAL: Continue to draft and revise appellate brief by outlining the case law in the Coroner's opening brief, responding with the arguments we made in the lower court, and adding case law that is responsive to the Coroner on appeal.	\$ 200.00	\$ 1,420.00
8/30/2018	Alina Shell	1.7	FEES APPEAL: Begin review of preliminary draft answering brief in attorney's fees appeal.	\$ 350.00	\$ 595.00
9/4/2018	Jessica Brown	1.4	FEES APPEAL: Revise appellate brief for attorney's fees, specifically the arguments about the lack of ambiguity between the fees provision and the damages provision in Nevada Revised Statutes section 239.	\$ 200.00	\$ 280.00
9/5/2018	Alina Shell	2.5	APPEAL: Per Ms. McLetchie's request, edit and proofread shortened answering brief.	\$ 350.00	\$ 875.00
9/5/2018	Margaret McLetchie	0.2	Email with Mr. Kane re Coroner's current practices re autopsies.	\$ 450.00	\$ 90.00
9/5/2018	Margaret McLetchie	3.1	APPEAL: Revise and shorten Answering Brief; Direct Ms. Shell and Ms. Burchfeild re filing same. Approve filing.	\$ 450.00	\$ 1,395.00
9/5/2018	Pharan Burchfield	1.2	APPEAL: Format Respondent's Answering Brief, update Tables of Authorities, Table of Contents, Certificate of Compliance, and Certificate of Service; finalize and file/serve re same.	\$ 150.00	\$ 180.00

9/8/2018	Jessica Brown	3.2	FEES APPEAL: Continue to draft appellate brief for attorneys' fees. Incorporate case law to respond to Coroner's case law on the standard of review for the NPRA, and the standard of review for factual disputes regarding fees. Incorporated a section on the background of the NPRA.	\$ 200.00	\$ 640.00
9/10/2018	Jessica Brown	1.9	FEES APPEAL: Revise appellate brief for attorneys' fees Addressing case law in Nevada that supports a plain reading of the NPRA - case law that directly contradicts the Coroner's claims.	\$ 200.00	\$ 380.00
9/11/2018	Jessica Brown	3.8	FEES APPEAL: Revise appellate brief by including further facts and arguments from the dispute in lower courts for the Reply to the Coroner's Opening Brief regarding attorney's fees.	\$ 200.00	\$ 760.00
9/15/2018	Jessica Brown	6.8	FEES APPEAL: Revise Answering brief for Attorney's fees. Address specific case law in the Coroner's opening brief regarding the NPRA and the lack of conflict between provisions in the same statute.	\$ 200.00	\$ 1,360.00
9/17/2018	Alina Shell	0.4	FEES APPEAL: Edit 2nd Motion for Extension of time to file Answering Brief.	\$ 350.00	\$ 140.00
9/17/2018	Alina Shell	0.5	APPEAL: Review LVMPD Motion to Strike Respondent's Appendix and conduct legal research re same. Review appendix materials at issue and our Answering Brief to see how we used the materials, and draft memo to Ms. McLetchie outlining potential response.	\$ 350.00	\$ 175.00
9/17/2018	Margaret McLetchie	0.4	FEES APPEAL: Attention to Unopposed Motion for Attorney's Fees and Costs.	\$ 450.00	\$ 180.00
9/17/2018	Pharan Burchfield	0.6	FEES APPEAL: Draft, incorporate Ms. McLetchie's edits, file, and serve Unopposed Motion for Extension of Time to File Answering Brief (Second Request).	\$ 150.00	\$ 90.00
9/19/2018	Alina Shell	3.0	APPEAL: Draft Opposition to Motion to Strike Appendix and Motion to Stay Briefing.	\$ 350.00	\$ 1,050.00
9/21/2018	Alina Shell	0.4	APPEAL: Edit Opposition / Response to Motion to Strike consistent with directions from Ms. McLetchie.	\$ 350.00	\$ 140.00
9/21/2018	Pharan Burchfield	0.2	APPEAL: Finalize, file, and serve Opposition to Motion to Strike Respondent's Appendix and Motion to Stay Briefing.	\$ 150.00	\$ 30.00
9/25/2018	Margaret McLetchie	0.5	APPEAL: Review Opposition to Reporter's Committee for Freedom Motion for Leave to file Amicus Brief. Edit Opposition to Motion to Strike.	\$ 450.00	\$ 225.00
9/27/2018	Pharan Burchfield	0.1	FEES APPEAL: Download, save, and review Order granting extension; update attorneys and calendar appropriately.	\$ 150.00	\$ 15.00
10/2/2018	Leo Wolpert	5.5	FEES APPEAL: Read through Coroner's Opening Brief, begin drafting editing and revising, cite checking and proofreading and reorganizing Answering Brief.	\$ 200.00	\$ 1,100.00
10/15/2018	Pharan Burchfield	0.1	APPEAL: Draft, file, and serve Notice of Change of Firm Name.	\$ 150.00	\$ 15.00
10/15/2018	Pharan Burchfield	0.1	FEES APPEAL: Draft, file, and serve Notice of Change of Firm Name.	\$ 150.00	\$ 15.00
10/16/2018	Alina Shell	0.5	FEES APPEAL: Review draft of Answering Brief and identify areas that need expansion/refinement; discuss same with Ms. McLetchie.	\$ 350.00	\$ 175.00
10/16/2018	Pharan Burchfield	0.1	Draft, file, and serve/mail Notice of Change of Firm Name.	\$ 150.00	\$ 15.00
10/17/2018	Alina Shell	2.6	FEES APPEAL: Draft argument for Answering Brief regarding Coroner's waiver of claim that Review-Journal failed to submit a memorandum of costs and response to Coroner's argument regarding the award of \$165 in fees for support staff. Edit and refine statement of facts; edit statement of case.	\$ 350.00	\$ 910.00
10/18/2018	Alina Shell	7.3	FEES APPEAL: Resume work on Answering Brief: edit standards of review; draft section regarding legislative history; edit and expand section responding to argument that attorneys fees are "damages".	\$ 350.00	\$ 2,555.00
10/18/2018	Alina Shell	1.6	FEES APPEAL: Check legal and statutory citations on current draft of brief and correct as necessary.	\$ 350.00	\$ 560.00
10/18/2018	Jessica Brown	0.8	FEES APPEAL: Research for Review-Journal Answering Brief regarding statutory interpretation of provisions that appear in sequential Order ("back to back"): email memo to Ms. Shell re same.	\$ 200.00	\$ 160.00
10/18/2018	Leo Wolpert	0.7	FEES APPEAL: Research briefing in Blackjack Bonding to see which policy arguments of Las Vegas Metropolitan Police Department were rejected by the Nevada Supreme Court, email to Ms. Shell and Ms. McLetchie re same.	\$ 200.00	\$ 140.00
10/18/2018	Leo Wolpert	3.1	FEES APPEAL: Research cases regarding damages other than attorney's fees and costs in the context of good faith (non) production of public records, draft and edit section of brief opposing argument regarding damages a requester can suffer.	\$ 200.00	\$ 620.00
10/18/2018	Leo Wolpert	0.9	FEES APPEAL: Edit, research, further draft section of Answering Brief regarding out-of-state precedents cited by Coroner in Opening Brief.	\$ 200.00	\$ 180.00
10/18/2018	Margaret McLetchie	7.9	FEES APPEAL: Revise sections of legal argument responding to Coroner's arguments; Research cases cited by Coroner from other jurisdictions and determine how to distinguish; develop arguments regarding why we are entitled to fees regardless of outcome of matter direct work on revising and editings other sections by team.	\$ 450.00	\$ 3,555.00
10/18/2018	Pharan Burchfield	0.1	APPEAL: Download, save, and review Filed Order Granting Motion to File Amicus Brief, To Associate Counsel, and Denying Motion to Strike Appendix and the Amici Curiae Brief of The Reporters Committee for Freedom of the Press and 11 Media Organizations.	\$ 150.00	\$ 15.00

10/19/2018	Alina Shell	8.0	FEES APPEAL: Expand arguments in Answering Brief regarding the Coroner's unpreserved arguments re memorandum of costs and administrative staff time; address Coroner's arguments regarding the "American Rule;" review opening brief and draft answering brief in tandem to make sure each argument addressed; address argument regarding LCB recommendations to amend NPRA. Check record and brief citations, proofread in tandem with Mr. Wolpert, and review final version of brief.	\$ 350.00	\$ 2,800.00
10/19/2018	Leo Wolpert	5.5	FEES APPEAL: Draft, proofread and edit Answering Brief, particular attention to editing subsections C-H in legal argument section; go through Opening Brief Table of Authorities to ensure that we addressed all the Coroner's relevant cases and statutes.	\$ 200.00	\$ 1,100.00
10/19/2018	Leo Wolpert	2.5	FEES APPEAL: Edit and proofread hard copy of the Answering Brief.	\$ 200.00	\$ 500.00
10/19/2018	Margaret McLetchie	2.3	FEES APPEAL: Draft sections regarding entitlement to fees; Revise and continued drafting section regarding why Coroner acted in bad faith, using cases cited by Coroner.	\$ 450.00	\$ 1,035.00
10/19/2018	Pharan Burchfield	4.5	FEES APPEAL: Incorporate attorney edits, prepare/format Table of Contents, Table of Authorities, Certificate of Compliance, and Certificate of Service re Respondent's Answering Brief; finalize Respondent's Answering Brief, and file/serve re same.	\$ 150.00	\$ 675.00
10/22/2018	Pharan Burchfield	0.1	FEES APPEAL: Download, save, and review Respondent's Answering Brief; calendar Appellant's Reply Brief deadline accordingly.	\$ 150.00	\$ 15.00
10/24/2018	Alina Shell	0.9	APPEAL: Begin drafting notice of supplemental authorities re recent decision in PERS v. NPRI.	\$ 350.00	\$ 315.00
10/25/2018	Alina Shell	1.9	APPEAL: Continued drafting notice of supplemental authorities. Edit pursuant to Ms. McLetchie's direction.	\$ 350.00	\$ 665.00
10/25/2018	Margaret McLetchie	0.3	APPEAL: Revise notice of Supplemental Authorities.	\$ 450.00	\$ 135.00
10/29/2018	Alina Shell	0.6	APPEAL: Revise notice of Supplemental Authorities in light of Clark County School District ("CCSD") opinion.	\$ 350.00	\$ 210.00
12/4/2018	Alina Shell	1.1	APPEAL: Address questions from Mr. Kane regarding arguments in briefs and timeline for resolution of appeal. Per Ms. McLetchie's request, review Coroner's reply brief and conduct research regarding (1) whether factual allegations in the Coroner's reply brief are false; (2) whether we can file a Motion to strike arguments raised in the Coroner's reply that might be false, and (3) whether we should request leave to file a surreply to address the Coroner's arguments regarding the recent Supreme Court decision in CCSD v. Las Vegas Review-Journal.	\$ 350.00	\$ 385.00
12/4/2018	Margaret McLetchie	0.4	APPEAL: Emails with client re possible factual inaccuracies in Reply Brief and possible issues to raise in Answering Brief. Analyze same and direct Ms. Shell re work on same.	\$ 450.00	\$ 180.00
12/4/2018	Pharan Burchfield	0.1	APPEAL: Download, save, and review Appellant's Reply Brief and Appendix; email clients briefing re same.	\$ 150.00	\$ 15.00
12/13/2018	Alina Shell	0.6	APPEAL: Begin drafting Motion for Leave to File Surreply.	\$ 350.00	\$ 210.00
12/13/2018	Alina Shell	0.5	APPEAL: Attention to Surreply: conduct legal research regarding whether family members can assert personal privacy interest for deceased person.	\$ 350.00	\$ 175.00
12/14/2018	Alina Shell	4.4	APPEAL: Resume work on proposed Surreply: draft introduction, factual argument regarding the release of autopsy reports in Colorado child death investigation, and argument regarding application of the new balancing test set forth in CCSD v. Las Vegas Review-Journal.	\$ 350.00	\$ 1,540.00
12/21/2018	Alina Shell	0.4	APPEAL: Address Ms. McLetchie's edits to Surreply.	\$ 350.00	\$ 140.00
12/21/2018	Margaret McLetchie	0.4	APPEAL: Revise sur-reply. [REDUCED ENTRY.]	\$ 450.00	\$ 180.00
12/24/2018	Pharan Burchfield	0.5	APPEAL: Finalize and file Motion for Leave to File Surreply. Format Table of Contents, Table of Authorities, and Certificate of Service re Surreply; finalize and file re same.	\$ 150.00	\$ 75.00
12/27/2018	Pharan Burchfield	0.1	APPEAL: Download, save, and review Order Granting Telephonic Extension. Appellant's Opposition to Motion to File Surreply; and update calendars accordingly.	\$ 150.00	\$ 15.00
1/17/2019	Pharan Burchfield	0.1	APPEAL: Download, save, and review Opposition to Motion for Leave to File Surreply; and calendar accordingly.	\$ 150.00	\$ 15.00
1/23/2019	Alina Shell	2.4	APPEAL: Review Opposition to Motion for Leave to File Surreply. Conduct legal research and draft reply to same.	\$ 350.00	\$ 840.00
1/23/2019	Leo Wolpert	0.2	APPEAL: Edit Reply to Opposition to Motion for Leave to File Surreply.	\$ 200.00	\$ 40.00
1/23/2019	Margaret McLetchie	0.4	APPEAL: Revise Reply in Support of Motion to File Surreply/Provide to Mr. Lipman for input.	\$ 450.00	\$ 180.00
1/24/2019	Leo Wolpert	0.1	APPEAL: Final hand edits to Reply to Opposition to Motion for Leave to File Surreply.	\$ 200.00	\$ 20.00
1/24/2019	Pharan Burchfield	0.2	APPEAL: Finalize, file, and serve Reply to Response Respondent's Reply to Opposition for Leave to File Surreply.	\$ 150.00	\$ 30.00
2/11/2019	Pharan Burchfield	0.1	APPEAL: Download, save, and review Order re Surreply and Surreply; alert attorneys and calendar accordingly.	\$ 150.00	\$ 15.00

2/13/2019	Pharan Burchfield	0.1	APPEAL: Download, save, and circulate to Order Granting Extension Per Telephonic Request. Appellant's Response to Respondent's Sur-Reply; update attorneys and calendar accordingly.	\$ 150.00	\$ 15.00
3/7/2019	Pharan Burchfield	0.1	APPEAL: Download, save, and review Response to Surreply; and email Mr. Lipman re same.	\$ 150.00	\$ 15.00
4/5/2019	Margaret McLetchie	0.2	APPEAL: Review filing.	\$ 450.00	\$ 90.00
5/1/2019	Margaret McLetchie	0.1	APPEAL and FEES APPEAL: Review Order.	\$ 450.00	\$ 45.00
5/1/2019	Pharan Burchfield	0.1	APPEAL and FEES APPEAL: Download, save, and review Order Regarding Oral Argument consolidating and scheduling the two appeals for oral argument; update attorneys and calendar accordingly.	\$ 150.00	\$ 15.00
5/8/2019	Margaret McLetchie	0.1	APPEAL and FEES APPEAL: Review Motion to continue. Emails re same. [REDUCED ENTRY.]	\$ 450.00	\$ 45.00
5/8/2019	Pharan Burchfield	0.1	APPEAL and FEES APPEAL: Download, save, and review Appellant's Motion to Postpone Oral Argument Hearing Date and Allow Longer Argument Time; update attorneys and calendars accordingly.	\$ 150.00	\$ 15.00
5/14/2019	Margaret McLetchie	0.1	APPEAL: Review Order re rescheduling hearing. Update to client re same.	\$ 450.00	\$ 45.00
5/14/2019	Pharan Burchfield	0.1	APPEAL and FEES APPEAL: Download, saved, and review Order Granting Motion rescheduling Oral Arguments; update attorneys and calendar accordingly.	\$ 150.00	\$ 15.00
5/15/2019	Margaret McLetchie	0.2	APPEAL and FEES APPEAL: Review Order; attention to scheduling re hearing on appeal.	\$ 450.00	\$ 90.00
5/16/2019	Margaret McLetchie	0.3	APPEAL and FEES APPEAL: Revise Motion to continue.	\$ 450.00	\$ 135.00
5/16/2019	Pharan Burchfield	0.3	APPEAL and FEES APPEAL: Draft Motion to Continue Oral Argument for Ms. McLetchie's review and approval.	\$ 150.00	\$ 45.00
5/16/2019	Pharan Burchfield	0.1	APPEAL and FEES APPEAL: Download, save, and review Notice of Oral Argument Setting; update attorneys and confirm with calendar re same.	\$ 150.00	\$ 15.00
5/17/2019	Pharan Burchfield	0.1	APPEAL and FEES APPEAL: Finalize, file, and serve Respondent's Unopposed Motion to Continue Oral Argument; download, save, and review re same; update attorneys and calendars accordingly.	\$ 150.00	\$ 15.00
5/29/2019	Margaret McLetchie	0.1	APPEAL and FEES APPEAL: Confer with paralegal re status of unopposed Motion; direct her to follow up with Court.	\$ 450.00	\$ 45.00
5/29/2019	Pharan Burchfield	0.1	APPEAL and FEES APPEAL: Per Ms. McLetchie, called and spoke with Clerk at Nevada Supreme Court re status of outstanding Unopposed Motion to Continue Oral Argument.	\$ 150.00	\$ 15.00
5/30/2019	Margaret McLetchie	0.2	APPEAL and FEES APPEAL: Review Order re continuing oral argument.	\$ 450.00	\$ 90.00
5/30/2019	Pharan Burchfield	0.1	APPEAL and FEES APPEAL: Download, save, and review Order Granting Motion to Continue Oral Argument; update attorneys and calendar accordingly.	\$ 150.00	\$ 15.00
7/1/2019	Margaret McLetchie	0.1	Email with Mr. Lipman re case status.	\$ 450.00	\$ 45.00
7/16/2019	Pharan Burchfield	0.1	APPEAL: Download, save, and review Notice of Withdrawal of Amici Counsel; and update attorneys re same.	\$ 150.00	\$ 15.00
8/26/2019	Margaret McLetchie	0.2	Review notice re scheduling oral arg. Check date. Direct paralegal to update Mr. Lipman.	\$ 450.00	\$ 90.00
8/26/2019	Pharan Burchfield	0.2	APPEAL and FEES APPEAL: Download, save, and review Issued Notice Scheduling Oral Argument; update team and clients re same; and calendar accordingly.	\$ 150.00	\$ 30.00
9/20/2019	Pharan Burchfield	0.1	APPEAL: Draft Notice of Appearance at Oral Argument for attorneys' review.	\$ 150.00	\$ 15.00
9/23/2019	Margaret McLetchie	0.3	APPEAL: Review Appellant's Notice of Supplemental Authority.	\$ 450.00	\$ 135.00
9/26/2019	Lacey Ambro	1.9	APPEAL and FEES APPEAL: Print and prepare binders of Briefings and Appendices for October 7, 2019 Oral Arguments, for both appeals (consolidated to be heard at same Oral Argument).	\$ 50.00	\$ 95.00
9/30/2019	Margaret McLetchie	0.2	APPEAL and FEES APPEAL: Attention to notice of appearance.	\$ 450.00	\$ 90.00
9/30/2019	Pharan Burchfield	0.3	APPEAL AND FEES APPEAL: Finalize, file, and serve Notices of Appearance at Oral Argument.	\$ 150.00	\$ 45.00
9/30/2019	Pharan Burchfield	0.1	FEES APPEAL: Finalize, file, and serve Notice of Appearance at Oral Argument.	\$ 150.00	\$ 15.00
9/30/2019	Pharan Burchfield	0.1	APPEAL and FEES APPEAL: Download, save, and review Oral Argument Reminder Notices; update attorneys and confirm calendar re same.	\$ 150.00	\$ 15.00
10/2/2019	Margaret McLetchie	0.2	FEES APPEAL: Attention to notice of supplemental authority.	\$ 450.00	\$ 90.00
10/2/2019	Pharan Burchfield	0.1	APPEAL and FEES APPEAL: Download, save, and review Voluntary Disclosure from Justice Abbi Silver; update attorneys and calendar accordingly.	\$ 150.00	\$ 15.00
10/3/2019	Alina Shell	1.4	FEES APPEAL: Draft and distribute response to the Coroner's September 23, 2019 Notice of Supplemental Authorities regarding the 2019 legislative session.	\$ 350.00	\$ 490.00
10/3/2019	Alina Shell	1.8	FEES APPEAL: Expand response to Coroner's Notice of Supplemental Authorities pursuant to comments and direction from Ms. McLetchie: add in facts from 1993 legislative session regarding NRS 239.011 and facts from the 2019 session regarding amendments to the NPRA.	\$ 350.00	\$ 630.00
10/3/2019	Pharan Burchfield	0.1	FEES APPEAL: Shell draft Response to Appellant's Notice of Supplemental Authorities for attorney's review. Finalize, file, and serve same after attorney drafting/approval.	\$ 150.00	\$ 15.00
10/4/2019	Margaret McLetchie	8.4	APPEAL and FEES APPEAL: Oral argument preparation.	\$ 450.00	\$ 3,780.00
10/5/2019	Alina Shell	2.4	APPEAL and FEES APPEAL: Assist Ms. McLetchie with oral argument prep by creating outline regarding substantive claims on appeal.	\$ 350.00	\$ 840.00

10/6/2019	Alina Shell	1.0	APPEAL and FEES APPEAL: Continue assisting Ms. McLetchie with oral argument preparation by reviewing Coroner's Reply Brief and including responses to arguments in outline.	\$ 350.00	\$ 350.00
10/6/2019	Alina Shell	2.2	APPEAL and FEES APPEAL: Provide additional assistance to Ms. McLetchie in preparing for oral argument: find record citations for possible reference at argument, expand outline at Ms. McLetchie's request, and moot Ms. McLetchie.	\$ 350.00	\$ 770.00
10/6/2019	Leo Wolpert	1.5	FEES APPEAL: Assist Ms. McLetchie in preparation for oral argument, specifically with out-of-state cases.	\$ 200.00	\$ 300.00
10/6/2019	Margaret McLetchie	6.9	APPEAL and FEES APPEAL: Continue oral argument prep.	\$ 450.00	\$ 3,105.00
10/7/2019	Leo Wolpert	1.8	APPEAL: Assist Ms. McLetchie in preparation for oral argument.	\$ 200.00	\$ 360.00
10/7/2019	Margaret McLetchie	8.1	APPEAL and FEES APPEAL: Oral argument preparation and attendance.	\$ 450.00	\$ 3,645.00
10/7/2019	Pharan Burchfield	0.4	APPEAL and FEES APPEAL: Assist in Ms. McLetchie's preparation re upcoming oral arguments.	\$ 150.00	\$ 60.00
1/23/2020	Margaret McLetchie	0.1	APPEAL: Review filing.	\$ 500.00	\$ 50.00
1/23/2020	Pharan Burchfield	0.1	APPEAL: Download, save, and review Notice of Appearance re Mr. Anderson; and update attorneys re same.	\$ 175.00	\$ 17.50
2/26/2020	Margaret McLetchie	0.1	APPEAL: Update to client re decision being issued 2/27.	\$ 500.00	\$ 50.00
2/26/2020	Margaret McLetchie	0.2	APPEAL: Update to client re pending decision.	\$ 500.00	\$ 100.00
2/27/2020	Margaret McLetchie	2.0	APPEAL: Review/analyze opinion. Emails to clients re same. Consider possible next steps. Email re who is lead counsel for Coroner. Confer with Mr. Lipman re case.	\$ 500.00	\$ 1,000.00
2/27/2020	Pharan Burchfield	0.1	APPEAL: Download, save, and review Opinion (Affirmed in Part Reversed in Part and Remanded); and update attorneys re same.	\$ 175.00	\$ 17.50
3/2/2020	Lacey Ambro	0.1	Process incoming mail: Opinion. Circulate to attorneys.	\$ 50.00	\$ 5.00
3/27/2020	Margaret McLetchie	0.1	Review Remittitur.	\$ 500.00	\$ 50.00
3/27/2020	Pharan Burchfield	0.1	Review unsigned Remittitur received from Nevada Supreme Court; and update attorneys re same.	\$ 175.00	\$ 17.50
4/15/2020	Pharan Burchfield	0.1	Download, save, and review Minute Order re briefing schedule and discovery plan; update attorneys and calendar accordingly.	\$ 175.00	\$ 17.50
4/17/2020	Pharan Burchfield	0.1	Download, save, and review Notice of Appearance and Change of Counsel; update attorneys and file accordingly.	\$ 175.00	\$ 17.50
4/27/2020	Pharan Burchfield	0.1	APPEAL: Download, save, and review Issued Remittitur; and update attorneys re same.	\$ 175.00	\$ 17.50
4/30/2020	Margaret McLetchie	0.3	Draft letter to opposing counsel re scheduling matters.	\$ 500.00	\$ 150.00
4/30/2020	Margaret McLetchie	0.5	Plan strategy in case. Email to Mr. Lipman re same.	\$ 500.00	\$ 250.00
4/30/2020	Pharan Burchfield	0.2	Draft a meet and confer letter to opposing counsel for Ms. McLetchie's review and approval.	\$ 175.00	\$ 35.00
5/5/2020	Margaret McLetchie	0.7	Prepare for and attend call with Mr. Lipman. Draft letter to opposing counsel.	\$ 500.00	\$ 350.00
5/5/2020	Margaret McLetchie	1.1	Begin compiling arguments/ examples.	\$ 500.00	\$ 550.00
5/5/2020	Pharan Burchfield	0.1	Finalize and send (e-serve) Ms. McLetchie's letter to opposing counsel re scheduling and discovery.	\$ 175.00	\$ 17.50
5/6/2020	Alina Shell	2.0	Per Ms. McLetchie's request, work on chart regarding evidence demonstrating public interest in access to autopsy reports.	\$ 375.00	\$ 750.00
5/6/2020	Margaret McLetchie	0.4	Review emails received from Mr. Lipman.	\$ 500.00	\$ 200.00
5/7/2020	Alina Shell	1.7	Resume work on chart regarding interest in access to autopsy reports.	\$ 375.00	\$ 637.50
5/7/2020	Alina Shell	0.8	Make additional edits to chart regarding interest in access based on comments and information provided by Ms. McLetchie.	\$ 375.00	\$ 300.00
5/7/2020	Margaret McLetchie	3.0	Review examples. Work with Ms. Shell on chart compiling examples.	\$ 500.00	\$ 1,500.00
5/8/2020	Margaret McLetchie	2.2	Prepare for and attend call with Mr. Lipman. Further emails re examples, next steps.	\$ 500.00	\$ 1,100.00
5/8/2020	Pharan Burchfield	0.1	Email follow-up to opposing counsel to schedule a meet and confer re discovery and scheduling in case.	\$ 175.00	\$ 17.50
5/11/2020	Margaret McLetchie	4.0	Work on review of prior briefs, compiling examples.	\$ 500.00	\$ 2,000.00
5/14/2020	Margaret McLetchie	0.5	Call with Mr. Lipman.	\$ 500.00	\$ 250.00
5/18/2020	Lacey Ambro	0.1	Download, save, and review Minute Order. Circulate to attorneys and update calendar accordingly.	\$ 150.00	\$ 15.00
5/19/2020	Pharan Burchfield	0.3	Draft Stipulation and Order re Briefing Schedule for attorneys' review and approval.	\$ 175.00	\$ 52.50
5/26/2020	Margaret McLetchie	0.2	Attention to Stipulation and Order re Briefing Schedule.	\$ 500.00	\$ 100.00
5/27/2020	Pharan Burchfield	0.2	Finalize Stipulation and Order Regarding Briefing Schedule (incorporate Ms. Nichols' edits) and submit/email to Department 24.	\$ 175.00	\$ 35.00
6/1/2020	Margaret McLetchie	0.3	Review information re public interest in autopsies. Emails with client re same.	\$ 500.00	\$ 150.00
6/2/2020	Margaret McLetchie	0.1	Review Order / briefing schedule.	\$ 500.00	\$ 50.00
6/2/2020	Pharan Burchfield	0.2	Download, save, and review Stipulation and Order Regarding Briefing Schedule. Draft, file, and serve Notice of Entry of Stipulation and Order Regarding Briefing Schedule. Update attorneys and calendar accordingly.	\$ 175.00	\$ 35.00
7/9/2020	Pharan Burchfield	0.1	Per Ms. McLetchie, email client re upcoming hearing date.	\$ 175.00	\$ 17.50
7/15/2020	Pharan Burchfield	0.4	Draft Stipulation and Order Extending the Briefing Schedule for attorneys' review and approval.	\$ 175.00	\$ 70.00

7/17/2020	Margaret McLetchie	0.2	Attention to stipulation re briefing schedule.	\$ 500.00	\$ 100.00
7/17/2020	Pharan Burchfield	0.3	Finalize draft Stipulation and Order Extending the Briefing Schedule; email communications with Ms. Nichols re same. Submit/email Stipulation and Order to Court/Department 24 re same.	\$ 175.00	\$ 52.50
7/20/2020	Pharan Burchfield	0.2	Download, save, and review Stipulation and Order Extending Briefing Schedule; draft, file, and serve Notice of Entry of Stipulation and Order Extending Briefing Schedule; update attorneys and calendar accordingly.	\$ 175.00	\$ 35.00
8/9/2020	Alina Shell	4.3	Attention to post-remand opening brief: complete statement of facts/procedural history, draft section re NPRA standards, section re CCSD case, and section re interest in access to juvenile autopsy reports.	\$ 375.00	\$ 1,612.50
8/10/2020	Alina Shell	5.8	Expand draft of opening brief consistent with direction from Ms. McLetchie: expand section regarding CCSD test, conduct legal research and draft section regarding limited application of CCSD/Cameranesi test, restructure argument regarding public interest in access to autopsy reports.	\$ 375.00	\$ 2,175.00
8/10/2020	Margaret McLetchie	2.0	Review initial draft of coroner brief prepared by Ms. Shell and propose restructuring re same.	\$ 500.00	\$ 1,000.00
8/12/2020	Alina Shell	2.2	Continued attention to opening brief: draft facts regarding the sample redacted autopsy reports provided by the Coroner pre-litigation and expand argument re those redactions.	\$ 375.00	\$ 825.00
8/13/2020	Leo Wolpert	0.8	Review, edit, proofread first draft of opening brief of petition on remand.	\$ 250.00	\$ 200.00
8/13/2020	Margaret McLetchie	3.8	Revise and expand opening brief. Re-review Supreme Court decision and revise introduction/reorganize accordingly. Consider how to best use to our benefit/ limit ability of Coroner to use declaration.	\$ 500.00	\$ 1,900.00
8/14/2020	Margaret McLetchie	6.8	Revise and expand opening brief. Attention to legal standard. Expand factual discussion what is included in chart, redacted samples. Expand / additions re examples of why reports should be provided. Email to client re status of draft.	\$ 500.00	\$ 3,400.00
8/15/2020	Margaret McLetchie	4.2	Continue drafting and research re Opening Brief. Review child welfare agency public disclosure form. Further review of sample redacted autopsy reports. Complete draft and send to Mr. Wolpert to proofread.	\$ 500.00	\$ 2,100.00
8/16/2020	Leo Wolpert	0.8	Review Ms. McLetchie's rewrite of opening brief on remand and make edits thereto.	\$ 250.00	\$ 200.00
8/16/2020	Margaret McLetchie	1.8	Finish initial draft of Opening Brief to send to Mr. Lipman.	\$ 500.00	\$ 900.00
8/21/2020	Alina Shell	1.4	Address Mr. Lipman's edit's to draft of opening brief on remand.	\$ 375.00	\$ 525.00
8/23/2020	Alina Shell	2.8	Resume editing opening brief on remand.	\$ 375.00	\$ 1,050.00
8/23/2020	Margaret McLetchie	0.2	Confer with Ms. Shell re expanding opening brief.	\$ 500.00	\$ 100.00
8/24/2020	Alina Shell	3.8	Address Ms. McLetchie's further edits to opening brief: add in facts about the 1 October coroner case, add in additional facts relevant to requests in this matter, add in case law regarding other courts' approach to balancing tests for FOIA Exemption 6.	\$ 375.00	\$ 1,425.00
8/24/2020	Margaret McLetchie	1.0	Revise second version to send to Mr. Lipman - send back to Ms. Shell to identify citations etc. and address various comments. Confer with Ms. Shell re same.	\$ 500.00	\$ 500.00
8/26/2020	Alina Shell	2.4	Address Mr. Lipman's and Ms. McLetchie's edits, comments, and directions regarding post-remand opening brief.	\$ 375.00	\$ 900.00
8/26/2020	Margaret McLetchie	2.3	Opening Brief on remand: Attention to addressing edits from Mr. Lipman and proofreading. Revise intro and review further edits from Ms. Shell; emails and call with Mr. Lipman re brief; send latest draft to Mr. Lipman.	\$ 500.00	\$ 1,150.00
8/27/2020	Alina Shell	6.1	Incorporate additional edits from Ms. McLetchie and Mr. Lipman into pre-final draft of opening brief on remand; finalize and file same.	\$ 375.00	\$ 2,287.50
8/27/2020	Alina Shell	0.6	Proof and edit tables of opening brief and approve for filing.	\$ 375.00	\$ 225.00
8/27/2020	Margaret McLetchie	1.8	Review further edits from Mr. Lipman and confer with Ms. Shell re same/ finalizing. Consider equal protection issue. Confer with Ms. Shell and Ms. Burchfield re finalizing brief. Review/edit prefinal version.	\$ 500.00	\$ 900.00
8/27/2020	Pharan Burchfield	1.3	Draft Motion for Leave re excess pages for attorneys' review and approval. Prepare Table of Contents, Table of Authorities, and Certificate of Service re Petitioner's Opening Brief on Remand; prepare/finalize for filing; file and serve re same.	\$ 175.00	\$ 227.50
9/23/2020	Margaret McLetchie	0.1	Attention to request from Ms. Nichols re extension.	\$ 500.00	\$ 50.00
9/25/2020	Alina Shell	0.1	Review and approve stipulation re briefing schedule.	\$ 375.00	\$ 37.50
9/28/2020	Pharan Burchfield	0.1	Download, save, and review (1) Stipulation and Order to Extend Briefing Schedule; and (2) Notice of Entry of Stipulation and Order; update attorneys and calendar accordingly.	\$ 175.00	\$ 17.50
10/7/2020	Margaret McLetchie	0.9	Preliminary review and analysis of Coroner's brief.	\$ 500.00	\$ 450.00
10/7/2020	Pharan Burchfield	0.1	Download, save, and review Respondent Clark County Office of the Coroner/Medical Examiner's Answering Brief; update attorneys and confirm calendar accordingly. Email Mr. Lipman re same.	\$ 175.00	\$ 17.50
10/15/2020	Alina Shell	4.4	Review answer filed by Coroner to supplemental opening brief and begin drafting reply, with focus on analyzing cases cited by Coroner regarding redaction	\$ 375.00	\$ 1,650.00
10/15/2020	Margaret McLetchie	0.5	Confer with Ms. Shell re extraordinary use argument.	\$ 500.00	\$ 250.00
10/16/2020	Alina Shell	1.3	Resume work on reply in support of post-remand brief.	\$ 375.00	\$ 487.50

10/16/2020	Margaret McLetchie	0.1	Update email to client.	\$ 500.00	\$ 50.00
10/18/2020	Alina Shell	6.2	Additional attention to draft of reply in support of supplemental opening brief on remand.	\$ 375.00	\$ 2,325.00
10/19/2020	Alina Shell	1.3	Complete draft of reply in support of supplemental brief on remand.	\$ 375.00	\$ 487.50
10/19/2020	Margaret McLetchie	1.3	Revise and send client draft of reply.	\$ 500.00	\$ 650.00
10/20/2020	Alina Shell	1.5	Address Mr. Lipman's edits to reply in support of supplemental opening brief on remand.	\$ 375.00	\$ 562.50
10/21/2020	Admin Admin	0.9	Prepare binder for the 10/29/2020 status check hearing for Ms. McLetchie.	\$ 25.00	\$ 22.50
10/22/2020	Admin Admin	0.9	Began updating the Nevada Public Records Act case law binder for Ms. McLetchie's hearing on 10/29/2020.	\$ 25.00	\$ 22.50
10/22/2020	Alina Shell	2.1	Review and address Mr. Lipman's comments to second draft of reply in support of opening brief on remand. Edit and expand draft reply consistent with comments and case law provided by Ms. McLetchie.	\$ 375.00	\$ 787.50
10/22/2020	Alina Shell	0.3	Proofread and correct table of content and table of authorities for reply in support of opening brief on remand. Approve brief for filing.	\$ 375.00	\$ 112.50
10/22/2020	Leo Wolpert	1.1	Proofread and edit reply in support of opening brief.	\$ 250.00	\$ 275.00
10/22/2020	Margaret McLetchie	1.6	Attention to further revisions to reply; further research re immediate repeal. Emails with Mr. Lipman.	\$ 500.00	\$ 800.00
10/22/2020	Pharan Burchfield	0.1	Per Ms. McLetchie, send hearing reminder email to Mr. Lipman.	\$ 175.00	\$ 17.50
10/22/2020	Pharan Burchfield	0.9	Create Table of Contents, Table of Authorities, and Certificate of Service; prepare for filing the Petitioner's Reply in Support of Petitioner's Opening Brief on Remand for attorneys' review and approval. Finalize, file, and serve re same. Email Mr. Lipman re same.	\$ 175.00	\$ 157.50
10/23/2020	Admin Admin	2.1	Continue updating the Nevada Public Records Act binder for Ms. McLetchie.	\$ 25.00	\$ 52.50
10/23/2020	Margaret McLetchie	0.2	Attention to docket discrepancy re 10/29/2020 hearing.	\$ 500.00	\$ 100.00
10/23/2020	Pharan Burchfield	0.1	Phone call with Mr. Simeon (law clerk in Department 24) re docket showing 10/29/2020 as a "Status Check" rather than a "Hearing" and update attorneys re same.	\$ 175.00	\$ 17.50
10/26/2020	Admin Admin	0.9	Continued updating the Nevada Public Records Act binder for Ms. McLetchie.	\$ 25.00	\$ 22.50
10/26/2020	Margaret McLetchie	1.4	Begin hearing preparation. Review binders.	\$ 500.00	\$ 700.00
10/27/2020	Margaret McLetchie	0.1	Review correspondence from opposing counsel's office to chambers. Direct paralegal to follow up with chambers re whether email courtesy copies are needed, Blue Jeans info.	\$ 500.00	\$ 50.00
10/27/2020	Pharan Burchfield	0.1	Download, save, and review Notification of Appearance by Blue Jeans re Thursday, October 29, 2020 hearing; update attorneys and calendar accordingly. Email Mr. Lipman and Mr. Kane re same.	\$ 175.00	\$ 17.50
10/28/2020	Margaret McLetchie	2.3	Hearing preparation.	\$ 500.00	\$ 1,150.00
10/28/2020	Pharan Burchfield	0.1	Phone call with Mr. Simone, law clerk in Department 24, confirming BlueJeans invite (not in-person) and no courtesy copies requested. Update attorneys re same.	\$ 175.00	\$ 17.50
10/29/2020	Admin Admin	0.4	Scanned and saved Ms. McLetchie's notes from the hearing. Updated the hearing binder.	\$ 25.00	\$ 10.00
10/29/2020	Alina Shell	1.1	Assist Ms. McLetchie with preparation for argument: conduct legal research re law of the case doctrine and summarize same.	\$ 375.00	\$ 412.50
10/29/2020	Margaret McLetchie	4.2	Hearing (prepare and attend). Emails and other calls with client. Direct paralegal re obtaining transcript on expedited basis.	\$ 500.00	\$ 2,100.00
10/29/2020	Pharan Burchfield	0.1	Email communications with Ms. Nichols re splitting costs of today's hearing transcript; draft transcript request for attorneys' review and approval; and email to Court re same.	\$ 175.00	\$ 17.50
10/30/2020	Margaret McLetchie	0.5	Preparation work for Motion for Attorney's Fees and Costs. Review last filing.	\$ 500.00	\$ 250.00
11/4/2020	Margaret McLetchie	0.2	Emails re obtaining transcript.	\$ 500.00	\$ 100.00
11/4/2020	Pharan Burchfield	0.1	Email communications with Ms. Maldonado (court recOrder in Department 24) and Ms. Nichols re splitting costs of 10/26/2020 transcript and requesting updated invoices reflecting such; payment made accordingly.	\$ 175.00	\$ 17.50
11/4/2020	Pharan Burchfield	0.1	Check court docket to confirm that no Minutes have been updated re 10/29/2020 hearing; and update attorneys re same.	\$ 175.00	\$ 17.50
11/5/2020	Margaret McLetchie	0.7	Review transcript.	\$ 500.00	\$ 350.00
11/5/2020	Pharan Burchfield	0.1	Download, save, and review RecOrders Transcript of 10/29/2020 Hearing re Briefs on Remand; and update attorneys re same. Email Mr. Lipman re same.	\$ 175.00	\$ 17.50
11/9/2020	Alina Shell	1.8	Begin drafting Order regarding supplemental briefing on remand. Confer with Ms. McLetchie re same.	\$ 375.00	\$ 675.00
11/10/2020	Alina Shell	3.8	Resume drafting proposed Order regarding remand briefing.	\$ 375.00	\$ 1,425.00
11/12/2020	Alina Shell	2.1	Address Ms. McLetchie's edits to first draft of proposed Order on remand	\$ 375.00	\$ 787.50
11/12/2020	Margaret McLetchie	1.8	Edit draft to send to client. Address client's edits and send to Ms. Shell for polishing and finalization.	\$ 500.00	\$ 900.00
11/12/2020	Pharan Burchfield	0.1	Email Department 24 requesting extension of time to submit proposed Order. Update calendar accordingly.	\$ 175.00	\$ 17.50
11/13/2020	Alina Shell	0.3	Review and make additional edits to draft proposed Order on remand.	\$ 375.00	\$ 112.50
11/13/2020	Alina Shell	0.2	Review and accept changes to draft proposed Order.	\$ 375.00	\$ 75.00

11/13/2020	Leo Wolpert	1.3	Proofread Order on remand.	\$ 250.00	\$ 325.00
11/13/2020	Margaret McLetchie	0.2	Approve final draft Order to send to Ms. Nichols.	\$ 500.00	\$ 100.00
11/13/2020	Pharan Burchfield	0.1	Email Mr. Lipman the revised proposed Order on remand for his review.	\$ 175.00	\$ 17.50
11/13/2020	Pharan Burchfield	0.3	Finalize draft proposed Order on remand and email to Ms. Nichols for review and approval.	\$ 175.00	\$ 52.50
11/17/2020	Margaret McLetchie	0.1	Emails re Ms. Nichols' request for more time to submit proposed Order.	\$ 500.00	\$ 50.00
11/18/2020	Alina Shell	0.3	Review and assess Ms. Nichols' redline of proposed Order on remand; email Ms. McLetchie re same.	\$ 375.00	\$ 112.50
11/18/2020	Margaret McLetchie	0.8	Assess proposed changes from Ms. Nichols. Edit final proposed Order/ approve same.	\$ 500.00	\$ 400.00
11/18/2020	Pharan Burchfield	0.3	Draft letter re competing Orders for review/approval. Finalize and send (email) to Judge Crockett re same.	\$ 175.00	\$ 52.50
11/19/2020	Margaret McLetchie	0.2	Confer with paralegal re status of Order.	\$ 500.00	\$ 100.00
11/19/2020	Margaret McLetchie	0.2	Review emails with chambers re competing proposed Orders.	\$ 500.00	\$ 100.00
11/19/2020	Pharan Burchfield	0.1	Phone call with Mr. Simeon (law clerk in Department 24), requesting re-send proposed Order; update attorneys and email re same.	\$ 175.00	\$ 17.50
11/20/2020	Lacey Ambro	0.4	Download, save, and circulate (1) Coroner's Motion to Stay on Order Shortening Time (no hearing date); (2) Coroner's Motion to Stay on Order Shortening Time (w/Hearing date) and (3) Notice of Entry of Coroner's Motion to Stay on Order Shortening Time. Calendar accordingly.	\$ 150.00	\$ 60.00
11/20/2020	Lacey Ambro	0.4	Download, save and circulate Las Vegas Review-Journal's Order on Remand. Draft and finalize Notice of Entry of Order on Remand. Efile/eserve same. Download, save and circulate same. Calendar accordingly.	\$ 150.00	\$ 60.00
11/20/2020	Margaret McLetchie	1.5	Review Coroner's Motion to Stay and filings re same. Email conference with Ms. Burchfield re deadlines re same and those triggered by notice of entry of Order.	\$ 500.00	\$ 750.00
11/20/2020	Margaret McLetchie	0.2	Review/ approve Notice of Entry of Order.	\$ 500.00	\$ 100.00
11/21/2020	Leo Wolpert	0.2	Assist Ms. McLetchie in drafting Motion for stay by procuring documents.	\$ 250.00	\$ 50.00
11/21/2020	Margaret McLetchie	0.5	Review sample successful opposition to Motion to stay from 1 October NPRA litigation against Las Vegas Metropolitan Police Department.	\$ 500.00	\$ 250.00
11/22/2020	Alina Shell	5.8	Expand opposition to Motion for stay pending appeal: complete procedural history and respond to Coroner's arguments re NRAP 8 stay factors.	\$ 375.00	\$ 2,175.00
11/22/2020	Margaret McLetchie	7.6	Research and draft opposition to Motion to stay. Review successful similar oppositions in 1 October case. Research legal standard. Review Order. Consider abuse of discretion issue. Draft legal standard and introduction sections and begin drafting sections re factors.	\$ 500.00	\$ 3,800.00
11/23/2020	Alina Shell	0.2	Locate and provide record citations to Ms. McLetchie for inclusion in opposition to Motion to stay.	\$ 375.00	\$ 75.00
11/23/2020	Alina Shell	1.6	Draft section of opposition to Motion for stay pending appeal to address the Coroner's assertion that the absence of a stay would moot its claims and assist Ms. McLetchie with Motion by researching prior stay Motions granted or denied by other district courts.	\$ 375.00	\$ 600.00
11/23/2020	Margaret McLetchie	5.9	Continue drafting and refining opposition to Motion to stay. Incorporate AS edits and her rewrite of my skeletal "defeat purpose of appeal" section. Expand / draft section addressign procedural and related issues re delay vs no appeal filed. Further research pertinent to stay. Expand likelihood of success section to address Hansen argument. Complete initial draft to send to Mr. Lipman. Review/ consider experience re stay in initial litigation in this case and in 1 October.	\$ 500.00	\$ 2,950.00
11/24/2020	Lacey Ambro	0.4	Update second NPRA letter for fees paid in NPRA litigation re child death autopsies. Finalize and email.	\$ 150.00	\$ 60.00
11/24/2020	Margaret McLetchie	0.2	Edit NPRA request re fees paid to Marquis Aurbach Coffing prepared by paralegal.	\$ 500.00	\$ 100.00
11/25/2020	Margaret McLetchie	1.0	Call with Mr. Lipman. Begin revising opposition to Motion to stay accordingly.	\$ 500.00	\$ 500.00
11/25/2020	Margaret McLetchie	0.2	Emails with Ms. Miller and counsel for Coroner re communications with Board of County Commissioners.	\$ 500.00	\$ 100.00
11/25/2020	Margaret McLetchie	0.2	Research/ check records re amounts paid to Marquis Aurbach Coffing by County.	\$ 500.00	\$ 100.00
11/25/2020	Margaret McLetchie	0.2	Attention to Opposition to Motion to Stay logistic; confer with Ms. Ambro re same.	\$ 500.00	\$ 100.00
11/29/2020	Alina Shell	1.5	Edit opposition to Motion for stay pending appeal of Order directing Coroner to produce autopsy reports.	\$ 375.00	\$ 562.50
11/29/2020	Margaret McLetchie	3.6	Revise introduction, procedural history, and legal standard sections of Motion to stay and send revised draft to Mr. Lipman for his review & consideration.	\$ 500.00	\$ 1,800.00
11/30/2020	Alina Shell	1.1	Review, address, and incorporate Mr. Lipman's edits and comments to draft opposition to Motion to stay.	\$ 375.00	\$ 412.50
11/30/2020	Alina Shell	0.5	Address Ms. McLetchie's edits and comments to opposition to Motion for stay pending appeal.	\$ 375.00	\$ 187.50
11/30/2020	Margaret McLetchie	4.2	Opposition to Coroner's Motion to Stay on Order Shortening Time final edits; confer with client. Attention to case strategy and planning. Review Board of County Commissioners agenda.	\$ 500.00	\$ 2,100.00
11/30/2020	Pharan Burchfield	0.4	Finalize, file, and serve Opposition to Motion to Stay on an Order Shortening Time. Email Mr. Lipman re same.	\$ 175.00	\$ 70.00

12/1/2020	Leo Wolpert	2.3	Begin outlining, drafting, researching, reviewing materials regarding fees for Motion for Attorney's Fees. Confer with Ms. McLetchie re same.	\$ 250.00	\$ 575.00
12/1/2020	Margaret McLetchie	1.5	Board of County Commissioners hearing - monitor; next steps. Emails re whether Coroner has / will provide reports in at least redacted form.	\$ 500.00	\$ 750.00
12/1/2020	Margaret McLetchie	0.2	Emails with Mr. Lipman.	\$ 500.00	\$ 100.00
12/1/2020	Margaret McLetchie	1.1	Attention to case strategy, next steps re getting as much information as possible to client as soon as possible. Confer with client. Email to Ms. Nichols requesting redacted version after reviewing transcript.	\$ 500.00	\$ 550.00
12/1/2020	Margaret McLetchie	0.2	Check Coroner's appellate deadline.	\$ 500.00	\$ 100.00
12/1/2020	Margaret McLetchie	0.2	Plan work on Motion for Attorney's Fees and Costs and confer with Mr. Wolpert re same.	\$ 500.00	\$ 100.00
12/2/2020	Leo Wolpert	3.8	Continue drafting, researching supplemental Motion for Attorney's Fees and Costs including research re Laffey Matrix and other fees.	\$ 250.00	\$ 950.00
12/2/2020	Margaret McLetchie	0.2	Confirm time / date for Stay hearing with paralegal and client.	\$ 500.00	\$ 100.00
12/2/2020	Margaret McLetchie	0.1	Follow up with Ms. Nichols re request re redacted copies of report.	\$ 500.00	\$ 50.00
12/3/2020	Lacey Ambro	2.0	Review responsive NPRA records received from Ms. Rehfeldt re Marquis Aurbach Coffing Fees/costs. Begin charting information.	\$ 150.00	\$ 300.00
12/3/2020	Leo Wolpert	2.8	Continue drafting, researching supplemental Motion for Attorney's Fees and Costs.	\$ 250.00	\$ 700.00
12/3/2020	Margaret McLetchie	0.8	Preliminary research re possible Order to Show Cause. Consider issues re same.	\$ 500.00	\$ 400.00
12/3/2020	Margaret McLetchie	0.2	Review fees information re payments to Marquis Aurbach Coffing provided by Coroner. Emails with Ms. Ambro re same.	\$ 500.00	\$ 100.00
12/3/2020	Margaret McLetchie	0.2	Confer with Mr. Wolpert re work on Motion for Attorney's Fees and Costs.	\$ 500.00	\$ 100.00
12/3/2020	Margaret McLetchie	0.2	Emails with client.	\$ 500.00	\$ 100.00
12/4/2020	Alina Shell	0.8	Edit and provide comments and suggestions regarding Mr. Wolpert's draft Motion for Attorney's Fees and Costs.	\$ 375.00	\$ 300.00
12/4/2020	Lacey Ambro	1.2	Continue charting information from 12/3/2020 responsive NPRA records received from Ms. Rehfeldt re Marquis Aurbach Coffing Fees/costs. Circulate chart and breakdown of information referenced to attorneys.	\$ 150.00	\$ 180.00
12/4/2020	Leo Wolpert	1.7	Final edits and updates to initial draft of supplemental Motion for Attorney's Fees and Costs.	\$ 250.00	\$ 425.00
12/4/2020	Margaret McLetchie	0.4	Confirm plans re Order to Show Cause. Confer with Mr. Wolpert re Motion for Attorney's Fees and Costs.	\$ 500.00	\$ 200.00
12/4/2020	Margaret McLetchie	1.6	Confer with Ms. Shell and Mr. Wolpert re strategy, plans re Motion for Attorney's Fees and Costs. Review preliminary draft and provide feedback/direct Mr. Wolpert re factual/procedural history to add. Approve final draft to send to client of substantive sections re brief.	\$ 500.00	\$ 800.00
12/5/2020	Leo Wolpert	1.3	Begin researching and drafting Motion for Order to Show Cause re contempt of disclosure Order.	\$ 250.00	\$ 325.00
12/6/2020	Leo Wolpert	3.2	Continue researching and drafting Motion for Order to Show Cause re contempt of disclosure Order.	\$ 250.00	\$ 800.00
12/6/2020	Margaret McLetchie	0.3	Direct work re research re Order to Show Cause and Order shortening time.	\$ 500.00	\$ 150.00
12/7/2020	Alina Shell	0.9	Expand draft of Motion for Order to Show Cause (re not disclosing autopsy reports as Ordered) by adding facts re timing of Board meetings.	\$ 375.00	\$ 337.50
12/7/2020	Alina Shell	0.9	Edit draft Motion for Order to Show Cause.	\$ 375.00	\$ 337.50
12/7/2020	Leo Wolpert	2.8	Complete researching and drafting Motion for Order to Show Cause re contempt of disclosure Order, including declarations, etc.	\$ 250.00	\$ 700.00
12/7/2020	Margaret McLetchie	0.4	Review reply in support of Motion to stay filed by Coroner.	\$ 500.00	\$ 200.00
12/7/2020	Margaret McLetchie	4.6	Research re interplay between Order to Show Cause and stay. Direct work and make edits to draft; break up argument section into separate section. Emails with client. Review client edits; coordinate finalization of Order to Show Cause/ perform final substantive review before finalization.	\$ 500.00	\$ 2,300.00
12/7/2020	Margaret McLetchie	0.1	Hearing logistics re 12/10/2020 Motion to stay; review hearing notice.	\$ 500.00	\$ 50.00
12/7/2020	Pharan Burchfield	2.0	Gather, create, prepare, and redact district court expenses and appeal expenses for Memorandum of Costs and Disbursements.	\$ 175.00	\$ 350.00
12/7/2020	Pharan Burchfield	0.1	Download, save, and review Respondent Clark County Office of the Coroner/Medical Examiner's Reply in Support of Motion to Stay on an Order Shortening Time; update attorneys and confirm calendar accordingly. Email Mr. Lipman re same.	\$ 175.00	\$ 17.50
12/7/2020	Pharan Burchfield	0.1	Download, save, and review Notification of Appearance via BlueJeans re upcoming 12/10/2020 hearing on Coroner's Motion for Stay; update attorneys and calendar accordingly. Email Mr. Lipman re same.	\$ 175.00	\$ 17.50
12/7/2020	Pharan Burchfield	0.3	Finalize and submit/email Motion for Order to Show Cause on an Order Shortening Time to Department 24.	\$ 175.00	\$ 52.50
12/8/2020	Alina Shell	0.8	Attention to Motion for attorney's fees: review and accept Mr. Lipman's changes to Motion. Add in argument and exhibit re fee award in CIR v. LVMPD matter.	\$ 375.00	\$ 300.00
12/8/2020	Alina Shell	0.1	Attention to verifying information for December 15 County Commission meeting.	\$ 375.00	\$ 37.50
12/8/2020	Lacey Ambro	0.4	Begin quality check of costs breakdown and redactions. Conclude review of copy costs and filing fees sections and provide input.	\$ 150.00	\$ 60.00

12/8/2020	Margaret McLetchie	0.6	Attention to substantive edits to fees app/ finalization of same (minus fees / rate detail). Confer with Mr. Lipman re his proposed edits and next steps.	\$ 500.00	\$ 300.00
12/8/2020	Margaret McLetchie	0.2	Review courtesy copy email from opposing counsel's office re Motion to stay.	\$ 500.00	\$ 100.00
12/8/2020	Margaret McLetchie	0.2	Review Order to Show Cause on Order shortening time Order. Plan accordingly. Direct paralegal to update client.	\$ 500.00	\$ 100.00
12/8/2020	Pharan Burchfield	2.8	Continue to create, prepare, and redact district court expenses and appeal expenses. Draft Memorandum of Costs and Disbursements for attorneys review and approval.	\$ 175.00	\$ 490.00
12/8/2020	Pharan Burchfield	0.2	Download, save, and review Motion for an Order to Show Cause on an Order Shortening Time; draft Notice of Entry of Motion for an Order to Show Cause on an Order Shortening Time, file and serve re same; update attorneys and calendar accordingly. Email Mr. Lipman re same.	\$ 175.00	\$ 35.00
12/9/2020	Alina Shell	1.0	Per Ms. McLetchie's request, review Coroner opposition to Order to Show Cause and provide suggested responses to same.	\$ 375.00	\$ 375.00
12/9/2020	Lacey Ambro	0.5	Finish quality check of costs. Email re additional redactions.	\$ 150.00	\$ 75.00
12/9/2020	Margaret McLetchie	0.2	Attention to hearing preparation binder. Ensure clients have call-in information.	\$ 500.00	\$ 100.00
12/9/2020	Margaret McLetchie	0.2	Attention to fees application. Confer with Ms. Burchfield re same.	\$ 500.00	\$ 100.00
12/9/2020	Margaret McLetchie	2.3	Review and analyze opposition to Order to Show Cause. Direct research re same. Confer with client. Further preparation for 12/10/2020 hearings.	\$ 500.00	\$ 1,150.00
12/9/2020	Pharan Burchfield	1.4	Create, prepare, and edit fees by date for attorneys' review and approval for the upcoming Motion for Attorney's Fees.	\$ 175.00	\$ 245.00
12/9/2020	Pharan Burchfield	0.1	Per Ms. McLetchie, email hearing reminder and BlueJeans details to Mr. Lipman and Mr. Kane re 12/10/2020 hearings on Coroner's Motion for Stay and Las Vegas Review-Journal's Motion for an Order to Show Cause.	\$ 175.00	\$ 17.50
12/9/2020	Pharan Burchfield	0.1	Download, save, and review 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; update attorneys and confirm calendar accordingly. Email Mr. Lipman re same.	\$ 175.00	\$ 17.50
12/10/2020	Alina Shell	1.0	Attention to hearing on Motion for Order to Show Cause: research Nevada case law regarding contempt proceedings.	\$ 375.00	\$ 375.00
12/10/2020	Alina Shell	0.6	Observe hearing on Motion for stay and Motion for Order to Show Cause.	\$ 375.00	\$ 225.00
12/10/2020	Leo Wolpert	1.3	Research regarding court reassignment potential contempt hearing against Coroner.	\$ 250.00	\$ 325.00
12/10/2020	Margaret McLetchie	6.2	Prepare for and attend hearing on Motion to Stay, Order to Show Cause. Review related research provided by Ms. Shell and Mr. Wolpert. Calls with client. Update paralegal re outcome, calendaring next steps, Ordering transcript.	\$ 500.00	\$ 3,100.00
12/10/2020	Margaret McLetchie	1.6	Work on Motion for Attorney's Fees and Costs, memorandum of costs.	\$ 500.00	\$ 800.00
12/10/2020	Pharan Burchfield	0.1	Per Ms. McLetchie, prepare and send/email Ms. Maldonado (court recOrder in Department 24) expedited transcript request.	\$ 175.00	\$ 17.50
12/11/2020	Alina Shell	0.1	Attention to Motion for attorney fees: verify prior rates for attorney and staff time.	\$ 375.00	\$ 37.50
12/11/2020	Alina Shell	1.1	Attention to Motion for attorney's fees: review supporting documentation and fees information.	\$ 375.00	\$ 412.50
12/11/2020	Alina Shell	1.6	Draft letter on behalf of Nevada Open Government Coalition to County Commission re coroner request for approval of appeal.	\$ 375.00	\$ 600.00
12/11/2020	Alina Shell	0.7	Attention to fees Motion: review and edit spreadsheet of fees.	\$ 375.00	\$ 262.50
12/11/2020	Alina Shell	0.5	Edit and proofread final draft of Motion for Attorney's Fees and Costs.	\$ 375.00	\$ 187.50
12/11/2020	Lacey Ambro	0.6	Review time entry to ensure correct entries are captured in Motion for Attorney's Fees and Costs. Generate and proofread draft bill.	\$ 150.00	\$ 90.00
12/11/2020	Leo Wolpert	1.0	Edit Supplemental Motion for Attorney's Fees; confirm fees and costs.	\$ 250.00	\$ 250.00
12/11/2020	Margaret McLetchie	3.1	Work on Motion for Attorney's Fees with paralegals. Review all time and costs and finalize Declaration.	\$ 500.00	\$ 1,550.00
12/11/2020	Margaret McLetchie	1.0	Planning regarding Clark County Board of County Commissioners BCC hearing.	\$ 500.00	\$ 500.00
12/11/2020	Pharan Burchfield	3.2	Finalize Memorandum of Costs and Disbursements; file and serve re same. Draft Ms. McLetchie's Declaration in Support of Supplemental Motion for Attorney's Fees and Costs. Continue editing fees (create exhibits re by date and by biller) for attorneys' review and approval. Finalize Supplemental Motion for Attorney's Fees and Costs; file and serve re same. Update attorneys, calendar, and email Mr. Lipman accordingly.	\$ 175.00	\$ 560.00
12/14/2020	Margaret McLetchie	1.0	Attention to scheduling re hearing on Motion for Attorney's Fees and Costs. Attention to BCC issues. Call with Mr. Lipman.	\$ 500.00	\$ 500.00
12/14/2020	Pharan Burchfield	0.2	Download, save, and review Clerk's Notice of Hearing re supplement Motion for Attorney's Fees and Costs. Update attorneys and calendar accordingly. Per Ms. McLetchie, phone call with Master Calendar re request for no hearing/in chambers; and email Department 24 re same.	\$ 175.00	\$ 35.00
12/14/2020	Pharan Burchfield	0.1	Follow-up email to court reporter re expedited transcript request.	\$ 175.00	\$ 17.50
12/15/2020	Alina Shell	2.3	Attention to Order Denying Motion for stay: review transcript of hearing on Motion for stay pending appeal and begin drafting Order.	\$ 375.00	\$ 862.50

12/15/2020	Margaret McLetchie	3.1	Review transcript. County hearing. Attention to preparing for anticipated Emergency Motion to Stay.	\$ 500.00	\$ 1,550.00
12/15/2020	Pharan Burchfield	0.1	Download, save, and review Transcript re 12/10/20 (Coroner's Stay and Las Vegas Review-Journal's Order to Show Cause); update attorneys and email Mr. Lipman re same.	\$ 175.00	\$ 17.50
12/16/2020	Alina Shell	2.6	Complete draft of Order Denying the Coroner's Motion for stay pending appeal. Circulate same to Ms. McLetchie for review.	\$ 375.00	\$ 975.00
12/16/2020	Pharan Burchfield	0.1	Download, save, and review Notice of Appeal and Case Appeal Statement; update attorneys and calendar potential cross-appeal accordingly. Email Mr. Lipman re same.	\$ 175.00	\$ 17.50
12/17/2020	Margaret McLetchie	1.0	Attention to Order granting petition.	\$ 500.00	\$ 500.00
12/17/2020	Margaret McLetchie	0.3	APPEAL: Review Emergency Motion for Stay.	\$ 500.00	\$ 150.00
12/17/2020	Pharan Burchfield	0.1	Per Ms. McLetchie, email Mr. Lipman the draft Proposed Order Denying Stay for his review.	\$ 175.00	\$ 17.50
12/17/2020	Pharan Burchfield	0.2	APPEAL: Prepare draft Response to Emergency Motion for Relief Under NRAP 27(e) [Stay] for attorneys' use.	\$ 175.00	\$ 35.00
12/17/2020	Pharan Burchfield	0.1	APPEAL: Download, save, and review (1) Docketed Notice of Appeal; (2) Filed Copy of District Court Minutes Addendum to Notice of Appeal Packet submitted 12/16/2020 - A758501; and (3) Notice of Referral of Settlement Program and Suspension of Rules; update attorneys and calendar accordingly.	\$ 175.00	\$ 17.50
12/17/2020	Pharan Burchfield	0.1	APPEAL: Download, save, and review Emergency Motion for Relief Under NRAP 27(e) [Stay]; and update attorneys re same.	\$ 175.00	\$ 17.50
12/18/2020	Alina Shell	0.2	Address Ms. McLetchie's edits to Order Denying Motion for stay.	\$ 375.00	\$ 75.00
12/18/2020	Margaret McLetchie	1.2	Attention to revisions to Order Denying stay; address client edits.	\$ 500.00	\$ 600.00
12/18/2020	Pharan Burchfield	0.1	Prepare draft proposed Order Denying the Motion for stay on an Order shortening time for Ms. Nichols's review and email re same.	\$ 175.00	\$ 17.50
12/20/2020	Alina Shell	4.3	APPEAL: Edit draft of response to Motion for stay pending appeal: update draft to include record and case citations, expand arguments, edit for content and clarity, and review for proposed changes to reduce page count.	\$ 375.00	\$ 1,612.50
12/21/2020	Alina Shell	0.3	APPEAL: Assist Ms. McLetchie with citation format for articles cited in opposition to Motion for stay.	\$ 375.00	\$ 112.50
12/21/2020	Alina Shell	4.2	APPEAL: Edit latest draft of opposition to Motion for stay pending appeal.	\$ 375.00	\$ 1,575.00
12/21/2020	Margaret McLetchie	4.2	APPEAL: Finalize first draft of response to emergency petition (and attention to cutting down) and send to Mr. Lipman for review.	\$ 500.00	\$ 2,100.00
12/21/2020	Pharan Burchfield	0.1	APPEAL: Download, save, and review Notice re Exemption from Settlement Program; update attorneys and calendar accordingly. Email Mr. Lipman re same.	\$ 175.00	\$ 17.50
12/22/2020	Alina Shell	0.5	Attention to proposed Order Denying Motion for stay: proofread and edit Order, proofread letter to court re competing Orders, and direct staff re submission to court. Email opposing counsel re same.	\$ 375.00	\$ 187.50
12/22/2020	Alina Shell	1.6	APPEAL: Address Mr. Lipman's edits to response to emergency Motion for stay pending appeal.	\$ 375.00	\$ 600.00
12/22/2020	Lacey Ambro	0.6	Draft competing Orders letter to Judge Crockett. Finalize same. Finalize Order Denying Coroner's Motion for Stay. Email chambers letter and proposed Order.	\$ 150.00	\$ 90.00
12/22/2020	Margaret McLetchie	0.6	Review Ms. Nichols' edits to Order denyin Motion to Stay.	\$ 500.00	\$ 300.00
12/23/2020	Alina Shell	1.2	APPEAL: Address additional edits from Mr. Lipman to response to emergency Motion for stay pending appeal. Draft Motion for leave to exceed page limit.	\$ 375.00	\$ 450.00
12/23/2020	Margaret McLetchie	0.1	Follow up with Ms. Nichols re her work on Order to Show Cause Order/ status of same.	\$ 500.00	\$ 50.00
12/23/2020	Margaret McLetchie	2.6	APPEAL: Attention to work on substantive revisions to Response to Emergency Motion for Stay and addressing edits from Mr. Lipman.	\$ 500.00	\$ 1,300.00
12/23/2020	Pharan Burchfield	0.1	APPEAL: Email Mr. Lipman a copy of the Notice Of No Transcripts To Be Requested.	\$ 175.00	\$ 17.50
12/23/2020	Pharan Burchfield	0.1	APPEAL: Draft Motion for Leave to File in Excess Pages for attorneys' review and approval.	\$ 175.00	\$ 17.50
12/24/2020	Alina Shell	2.3	APPEAL: Attention to response to emergency Motion for stay: make additional edits to draft response. Edit Motion for excess pages. Assist Ms. Burchfield in locating exhibits.	\$ 375.00	\$ 862.50
12/24/2020	Alina Shell	0.3	APPEAL: Proof and cite check table of authorities. Correct errors in same and send to Ms. Burchfield for finalization and filing.	\$ 375.00	\$ 112.50
12/24/2020	Leo Wolpert	0.3	APPEAL: Edit, proofread Motion for excess pages on appeal.	\$ 250.00	\$ 75.00
12/24/2020	Margaret McLetchie	1.5	APPEAL: Revisions to Response to Emergency Motion to Stay/ address further client edits and proof, and confirm related filings with team. Review final Order and direct team to include as exhibit to Response.	\$ 500.00	\$ 750.00
12/24/2020	Pharan Burchfield	0.2	Download, save, and review Order Denying Respondent Clark County Office of the Coroner/Medical Examiner's Motion for Stay on an Order Shortening Time; update attorneys re same. Draft, finalize, file, and serve Notice of Entry of Order Denying Respondent Clark County Office of the Coroner/Medical Examiner's Motion for Stay on an Order Shortening Time. Email Mr. Lipman re same.	\$ 175.00	\$ 35.00

12/24/2020	Pharan Burchfield	0.9	APPEAL: Finalize Motion for Leave to File Response in Excess Page/Type Volume Limitation. Create Table of Contents, Table of Authorities, Certificate of Service, finalize, file and serve all re same. Update attorneys and email Mr. Lipman re same.	\$ 175.00	\$ 157.50
12/28/2020	Lacey Ambro	0.2	Download, save and circulate Coroner's Opposition to LVRJ's Supplemental Motion for Attorney's Fees and Costs. Circulate to Mr. Lipman.	\$ 150.00	\$ 30.00
12/28/2020	Lacey Ambro	0.2	Email Dept. 24 chamber to request extension on Order on Show Cause. Review court's response granting extension to 1/5/2021. Update calendar.	\$ 150.00	\$ 30.00
12/28/2020	Margaret McLetchie	0.2	Update to client. Attention to plan re work on proposed Orders.	\$ 500.00	\$ 100.00
12/29/2020	Alina Shell	0.1	Attempt to contact Ms. Nichols regarding Order on Motion for Order to Show Cause and production of autopsy records.	\$ 375.00	\$ 37.50
12/29/2020	Alina Shell	0.6	APPEAL: Review Order Denying Motion for a stay. Per Ms. McLetchie's request, research whether Coroner could seek rehearing of the Motion, and draft short memo re same.	\$ 375.00	\$ 225.00
12/29/2020	Lacey Ambro	0.1	APPEAL: Download, save and circulate Order Denying Stay. Calendar accordingly.	\$ 150.00	\$ 15.00
12/29/2020	Margaret McLetchie	4.3	Review Supreme Court's denial of a stay. Related procedural research. Update client. Confer with client. Emails to opposing counsel re obtaining records. Updates to client. Review petition for rehearing and confer with Ms. Shell re same/ prepare for next steps.	\$ 500.00	\$ 2,150.00
12/30/2020	Alina Shell	6.7	APPEAL: Begin drafting response to emergency petition for rehearing.	\$ 375.00	\$ 2,512.50
12/30/2020	Lacey Ambro	0.1	APPEAL: Download, save and circulate Emergency Petition for Rehearing.	\$ 150.00	\$ 15.00
12/30/2020	Margaret McLetchie	4.3	APPEAL: Continue review of petition for rehearing. Attention to Order on Order to Show Cause. Work with Ms. Shell on response to petition; review and begin revising draft. Calls with client. Review decision denying petition and circulate to client. Plan work on Order to Show Cause if needed.	\$ 500.00	\$ 2,150.00
12/31/2020	Leo Wolpert	1.2	Research criminal contempt for disobeying court Order.	\$ 250.00	\$ 300.00
12/31/2020	Margaret McLetchie	3.2	Email to opposing counsel demanding records. Call with client. Plan work re possible Order to Show Cause. Confer with client. Attention to logistics re obtaining records. Review correspondence from Ms. Rehfeldt. Review Motion to voluntarily dismiss appeal.	\$ 500.00	\$ 1,600.00
12/31/2020	Pharan Burchfield	0.1	Download, save, and review Order Denying Motion for an Order to Show Cause; update attorneys and calendar accordingly.	\$ 175.00	\$ 17.50
12/31/2020	Pharan Burchfield	0.1	APPEAL: Download, save, and review Motion to Voluntarily Dismiss Appeal; update attorneys and calendar accordingly.	\$ 175.00	\$ 17.50
1/4/2021	Admin Admin	0.4	Travel time to pick-up check from DA's Office for attorney's fees and costs.	\$ 25.00	\$ 10.00
1/4/2021	Margaret McLetchie	0.2	Emails re supplemental requests.	\$ 500.00	\$ 100.00
1/4/2021	Pharan Burchfield	0.1	Download, save, and review Notice of Entry of Order Denying Petitioner Las Vegas Review-Journal's Motion for Order to Show Cause on Order Shortening Time; update attorneys and calendar accordingly. Email Mr. Lipman re same.	\$ 175.00	\$ 17.50
1/6/2021	Margaret McLetchie	0.1	Follow up re proposed stipulation / process to streamline briefing on Motion for Attorney's Fees and Costs, supplement re same.	\$ 500.00	\$ 50.00
1/7/2021	Alina Shell	0.2	Per Ms. McLetchie's request, conduct research to determine whether to exercise peremptory challenge against newly assigned judge.	\$ 375.00	\$ 75.00
1/7/2021	Alina Shell	0.1	Review and approve Peremptory Challenge.	\$ 375.00	\$ 37.50
1/7/2021	Pharan Burchfield	0.1	Draft Peremptory Challenge of a Judge re Honorable Jessica Peterson for attorneys' review and approval; finalize, file, and serve re same. Email Mr. Lipman re same.	\$ 175.00	\$ 17.50
1/11/2021	Margaret McLetchie	0.3	Emails with Ms. Nichols re amending Motion, my efforts to make briefing more efficient. Plan work accordingly. Update to client.	\$ 500.00	\$ 150.00
1/12/2021	Margaret McLetchie	0.1	Review and consider notice of reassignment.	\$ 500.00	\$ 50.00
1/12/2021	Margaret McLetchie	0.1	APPEAL: Review Order Dismissing Appeal.	\$ 500.00	\$ 50.00
1/12/2021	Pharan Burchfield	0.1	Download, save, and review Notice of Department Reassignment (Department 29; Honorable Judge Jones); and update attorneys re same. Email Mr. Lipman re same.	\$ 175.00	\$ 17.50
1/12/2021	Pharan Burchfield	0.1	APPEAL: Download, save, and review Order Dismissing Appeal; update attorneys and calendar accordingly. Email Mr. Lipman re same.	\$ 175.00	\$ 17.50
1/13/2021	Pharan Burchfield	0.4	Draft Stipulation and Order to Supplement Motion for Attorney's Fees and Costs and Setting a Briefing Schedule for attorneys' review and approval.	\$ 175.00	\$ 70.00
1/14/2021	Alina Shell	1.9	Per Ms. McLetchie's request, conduct legal research regarding entitlement to fees on appeal. Draft memo re same.	\$ 375.00	\$ 712.50
1/14/2021	Leo Wolpert	1.5	Review previous Motion for Attorney's Fees and Costs replies, research concerning fees on supplement.	\$ 250.00	\$ 375.00
1/14/2021	Margaret McLetchie	0.3	Revise stip. Emails to Ms. Nichols re same.	\$ 500.00	\$ 150.00
1/14/2021	Margaret McLetchie	1.0	Confer with Mr. Wolpert re work on Motion for Attorney's Fees and Costs reply and/or amended Motion - supplement. Confer with Ms. Shell re related research re fees on appeal and review / provide feedback re same. Revise stipulation to address concerns expressed by Ms. Nichols. Send to client, then Ms. Nichols and follow up with her re same.	\$ 500.00	\$ 500.00

1/15/2021	Alina Shell	0.2	Review Ms. Nichols' edit to proposed Stipulation and Order. Discuss same with Ms. McLetchie and circulate to Mr. Lipman for review.	\$ 375.00	\$ 75.00
1/15/2021	Margaret McLetchie	0.2	Attention to stip re Amended Motion for Attorney's Fees and Costs. [Reduced Entry.]	\$ 500.00	\$ 100.00
1/15/2021	Pharan Burchfield	0.2	Incorporate Ms. Nichol's edits to the draft the Stipulation and Order to Supplement Motion for Attorney's Fees and Costs and Setting a Briefing Schedule; finalize and submit/email to Court re same.	\$ 175.00	\$ 35.00
1/21/2021	Margaret McLetchie	0.2	Follow up re stipulation; confer with paralegal re same. [Reduced Entry.]	\$ 500.00	\$ 100.00
1/21/2021	Pharan Burchfield	0.1	Follow-up phone call (attempt) and email to Department 29 re pending Stipulation on Attorney's Fees and Costs and confirm whether or not 01/27/2021 hearing is going forward.	\$ 175.00	\$ 17.50
1/22/2021	Margaret McLetchie	0.1	Review message from paralegal re 1/27 hearing.	\$ 500.00	\$ 50.00
1/22/2021	Pharan Burchfield	0.1	Phone call with Ms. Linn, JEA in Department 29, re pending Stipulation and upcoming hearing; and update attorneys re same.	\$ 175.00	\$ 17.50
1/26/2021	Margaret McLetchie	0.2	Provide Mr. Wolpert with direction re Motion for Attorney's Fees and Costs.	\$ 500.00	\$ 100.00
1/26/2021	Margaret McLetchie	0.1	Follow up re hearing.	\$ 500.00	\$ 50.00
1/26/2021	Pharan Burchfield	0.1	Check docket to confirm 01/27/2021 hearing; phone call with Ms. Busch (Ms. Nichols' assistant); and update attorneys re same.	\$ 175.00	\$ 17.50
1/27/2021	Alina Shell	0.4	Attend hearing re Motion for Attorney's Fees and Costs to note that parties had submitted a Stipulation and Order to extend. Obtain new hearing date and update team.	\$ 375.00	\$ 150.00
1/27/2021	Leo Wolpert	4.3	Draft, research Consolidated amended Motion for Attorney's Fees and Costs, particular attention to summarizing events in litigation since November and researching awards in district court.	\$ 250.00	\$ 1,075.00
1/27/2021	Margaret McLetchie	0.1	Check re hearing / stipulation. [Reduced Entry.]	\$ 500.00	\$ 50.00
1/27/2021	Pharan Burchfield	0.2	Download, save, and review Stipulation and Order to Supplement Motion for Attorney's Fees and Costs and Setting a Briefing Schedule; draft, file, and serve Notice of Entry of Stipulation and Order to Supplement Motion for Attorney's Fees and Costs and Setting a Briefing Schedule; update attorneys and calendar accordingly.	\$ 175.00	\$ 35.00
1/28/2021	Alina Shell	1.1	Edit draft of Consolidated Motion for Attorney's Fees and Costs.	\$ 375.00	\$ 412.50
1/28/2021	Leo Wolpert	1.5	Finish drafting, researching Consolidated Motion for Attorney's Fees and Costs.	\$ 250.00	\$ 375.00
1/29/2021	Margaret McLetchie	0.4	Revisions to Consolidated Motion for Attorney's Fees and Costs; send first draft to client for review.	\$ 500.00	\$ 200.00
1/29/2021	Pharan Burchfield	0.1	Check docket to confirm that no Court Minutes have been posted re 01/27/2021 hearing; and that the continued hearing date is not yet scheduled on the docket; and update attorneys re same.	\$ 175.00	\$ 17.50
2/1/2021	Leo Wolpert	2.7	Edit, proof, implement Mr. Lipman's suggestions regarding Consolidated Motion for Attorney's Fees and Costs, particular attention to researching and drafting arguments for appeal fees going back to Musso.	\$ 250.00	\$ 675.00
2/1/2021	Margaret McLetchie	0.5	Review revised Consolidated Motion for Attorney's Fees and Costs addressing client edits and send to Mr. Lipman for further review.	\$ 500.00	\$ 250.00
2/2/2021	Pharan Burchfield	0.1	Check docket to confirm that no Court Minutes have been posted re 01/27/2021 hearing; and that the continued hearing date is not yet scheduled on the docket; and update attorneys re same.	\$ 175.00	\$ 17.50
2/2/2021	Pharan Burchfield	1.8	Prepare updated spreadsheets re fees as exhibits to Consolidated Motion for Attorney's Fees and Costs; finalize with attorneys; file and serve re same.	\$ 175.00	\$ 315.00
2/2/2021	Lacey Ambro	1.9	Review fee detail spreadsheet for exhibit to Consolidated Motion for Attorney's Fees and Costs.	\$ 150.00	\$ 285.00
2/2/2021	Alina Shell	1.0	Attention to Consolidated Motion for Attorney's Fees and Costs: review and edit spreadsheet of time entries for inclusion with Consolidated Motion.	\$ 375.00	\$ 375.00
2/2/2021	Leo Wolpert	3.0	Finalize Motion for Attorneys' Fees; work with paralegals re fees and exhibits.	\$ 250.00	\$ 750.00
2/2/2021	Margaret McLetchie	3.0	Review further revised consolidated motion for attorney's fees and costs addressing further client edits and send to Mr. Lipman for review. work on fee detail.	\$ 500.00	\$ 1,500.00
TOTAL ATTORNEY'S FEES				\$	246,602.50

EXHIBIT 2

Date	Billor	Time	Description	Rate	Total
12/7/2017	Admin Admin	0.3	Dropped off Petitioner Las Vegas Review-Journal's Opposition to Motion for Stay of District Court Order and Order Shortening time at the Las Vegas Regional Justice Center: 200 Lewis Ave. Las Vegas, NV, 89101.	\$ 25.00	\$ 7.50
2/14/2018	Admin Admin	0.5	Dropped off Opposition to Renewed Motion for Order Shortening Time on Motion for Stay of District Court Order at the Las Vegas Phoenix Building: 330 S 3rd St. Las Vegas NV, 89101 Department 24.	\$ 25.00	\$ 12.50
3/6/2018	Admin Admin	0.7	Picked up Order Denying Respondent's Renewed Motion on Order Shortening Time for Stay of District Court Order at the Las Vegas Phoenix Building: 330 S 3rd St Las Vegas, NV 89101 Department 24.	\$ 25.00	\$ 17.50
10/21/2020	Admin Admin	0.9	Prepare binder for the 10/29/2020 status check hearing for Ms. McLetchie.	\$ 25.00	\$ 22.50
10/22/2020	Admin Admin	0.9	Began updating the Nevada Public Records Act case law binder for Ms. McLetchie's hearing on 10/29/2020.	\$ 25.00	\$ 22.50
10/23/2020	Admin Admin	2.1	Continue updating the Nevada Public Records Act binder for Ms. McLetchie.	\$ 25.00	\$ 52.50
10/26/2020	Admin Admin	0.9	Continued updating the Nevada Public Records Act binder for Ms. McLetchie.	\$ 25.00	\$ 22.50
10/29/2020	Admin Admin	0.4	Scanned and saved Ms. McLetchie's notes from the hearing. Updated the hearing binder.	\$ 25.00	\$ 10.00
1/4/2021	Admin Admin	0.4	Travel time to pick-up check from DA's Office for attorney's fees and costs.	\$ 25.00	\$ 10.00
		7.1	Totals for Admin Admin	\$	177.50
11/27/2017	Alina Shell	2.2	Begin drafting Motion for Attorney's Fees and Costs.	\$ 350.00	\$ 770.00
11/27/2017	Alina Shell	0.6	Continue drafting Motion for Attorney's Fees and Costs.	\$ 350.00	\$ 210.00
11/28/2017	Alina Shell	1.3	Complete draft of Motion for Attorney's Fees and Costs and email same to Ms. McLetchie for review.	\$ 350.00	\$ 455.00
11/28/2017	Alina Shell	1.2	Per Ms. McLetchie's request, conduct legal research regarding NRAP 8 and Coroner's obligations regarding complying with court Order to produce documents and/or moving to stay enforcement of Order.	\$ 350.00	\$ 420.00
11/29/2017	Alina Shell	0.1	Further attention to Motion for Attorney's Fees and Costs.	\$ 350.00	\$ 35.00
11/29/2017	Alina Shell	0.1	Provide instruction to Ms. Burchfield regarding exhibits and supporting documentation for Motion for Attorney's Fees and Costs.	\$ 350.00	\$ 35.00
11/29/2017	Alina Shell	0.4	Edit spreadsheet of fees for inclusion with Motion for Attorney's Fees and Costs.	\$ 350.00	\$ 140.00
11/29/2017	Alina Shell	1.0	Revise draft of Motion for Attorney's Fees and Costs.	\$ 350.00	\$ 350.00
11/29/2017	Alina Shell	0.4	Draft declaration for Ms. McLetchie in support of Motion for Attorney's Fees and Costs.	\$ 350.00	\$ 140.00
12/5/2017	Alina Shell	4.2	Draft opposition to Motion to stay Order pending appeal.	\$ 350.00	\$ 1,470.00
12/5/2017	Alina Shell	0.1	Final edit of draft opposition to Motion for Stay; email to Ms. McLetchie for review and comment.	\$ 350.00	\$ 35.00
12/6/2017	Alina Shell	0.6	Edit and proofread final draft of opposition to Motion to Stay.	\$ 350.00	\$ 210.00
12/12/2017	Alina Shell	0.8	In court for hearing on Coroner's Office's Motion for Stay.	\$ 350.00	\$ 280.00
12/14/2017	Alina Shell	0.4	APPEAL: Prepare to draft Motion for expedited consideration: review Nevada Rules of Appellate Procedure and review other Supreme Court filings to verify necessary contents and structure of Motion.	\$ 350.00	\$ 140.00
12/15/2017	Alina Shell	2.0	APPEAL: Complete draft Motion to Expedite Appeal and circulate draft to Ms. McLetchie.	\$ 350.00	\$ 700.00
12/15/2017	Alina Shell	0.8	APPEAL: Revise Motion to expedite appeal pursuant to edits and suggestions from Ms. McLetchie.	\$ 350.00	\$ 280.00
12/21/2017	Alina Shell	1.4	Review opposition to Motion for Attorney's Fees and Costs, and investigate factual allegation contained therein regarding Coroner's prelitigation confidentiality assertions. Research regarding legislative history of NRS 239.011 and state agency interpretations of same. Confer with Ms. McLetchie re same.	\$ 350.00	\$ 490.00
12/22/2017	Alina Shell	2.0	Begin drafting reply to opposition to Motion for Attorney's Fees and Costs: draft preliminary section and section re bad faith.	\$ 350.00	\$ 700.00
12/26/2017	Alina Shell	3.8	Resume drafting reply to Motion for Attorney's Fees and Costs: finish drafting response to Coroner's Office argument regarding "bad faith," and respond to arguments regarding attorneys' and paralegal's rates, and draft introduction.	\$ 350.00	\$ 1,330.00
12/27/2017	Alina Shell	1.4	APPEAL: Edit and expand reply to Coroner's opposition to Motion to Expedite: Edit sections drafted by Ms. McLetchie and add sections to reply to re (1) First Amendment right of access and (2) new litigation in district court.	\$ 350.00	\$ 490.00
12/27/2017	Alina Shell	0.4	APPEAL: Write Motion for leave to exceed 5-page limit set by NRAP 27 for reply to the Coroner's opposition to Motion to Expedite.	\$ 350.00	\$ 140.00
12/27/2017	Alina Shell	0.5	APPEAL: Final proofread and edit of reply to opposition to Motion to Expedite Appeal.	\$ 350.00	\$ 175.00
12/27/2017	Alina Shell	0.6	APPEAL: Continue drafting Motion for leave to file a reply in excess of page limit to Coroner's opposition to Motion to expedite appeal.	\$ 350.00	\$ 210.00
12/27/2017	Alina Shell	0.5	APPEAL: Finalize draft of reply in support of Motion to Expedite Appeal.	\$ 350.00	\$ 175.00
12/28/2017	Alina Shell	2.3	APPEAL: Draft confidential settlement statement.	\$ 350.00	\$ 805.00
1/17/2018	Alina Shell	2.8	Draft Order granting Motion for Attorney's Fees and Costs, and email same to Ms. McLetchie for review and approval.	\$ 350.00	\$ 980.00

1/17/2018	Alina Shell	0.5	Per Ms. McLetchie's request, review and edit her revisions to proposed Order granting Motion for Attorney's Fees and Costs.	\$ 350.00	\$ 175.00
1/19/2018	Alina Shell	0.4	Review letter to Judge Crockett from Ms. Rehfeldt regarding the proposed Order granting Motion for Attorney's Fees and Costs. Review proposed Order and revise to address area of concern in Ms. Rehfeldt's letter re the scope of 239.012.	\$ 350.00	\$ 140.00
3/13/2018	Alina Shell	0.7	FEES APPEAL: Per Ms. McLetchie's request, edit draft version of opposition to Motion to Stay Order re attorney's fees.	\$ 350.00	\$ 245.00
3/16/2018	Alina Shell	0.3	APPEAL: Per Ms. McLetchie's request, review the Coroner's Office's proposed joint appendix, compare to documents filed in district court, and draft brief memorandum regarding additional documents for inclusion.	\$ 350.00	\$ 105.00
3/16/2018	Alina Shell	1.1	APPEAL: Draft opposition to consolidation.	\$ 350.00	\$ 385.00
3/16/2018	Alina Shell	0.1	APPEAL: Per Ms. McLetchie's request, email Ms. Dell, paralegal, at Marquis Aurbach Coffing regarding addition to proposed joint appendix for Coroner appeal.	\$ 350.00	\$ 35.00
3/19/2018	Alina Shell	0.5	APPEAL: Complete draft of opposition to Motion to consolidate appeals.	\$ 350.00	\$ 175.00
3/19/2018	Alina Shell	1.7	APPEAL: Edit opposition to Motion for stay of judgment re attorney's fees.	\$ 350.00	\$ 595.00
3/19/2018	Alina Shell	0.1	APPEAL: Final pre-filing edit of opposition to Motion to consolidate appeals, confer with Ms. McLetchie re same.	\$ 350.00	\$ 35.00
3/19/2018	Alina Shell	0.4	APPEAL: Edit Motion for leave to file excess pages for opposition to Motion for stay of attorney fee award Order.	\$ 350.00	\$ 140.00
3/20/2018	Alina Shell	0.6	APPEAL: Final pre-filing review and edit of opposition to Motion to stay Order re attorney fees and Motion for leave to file excess pages.	\$ 350.00	\$ 210.00
4/6/2018	Alina Shell	0.3	APPEAL: Review Coroner's Office proposed joint appendix list for appeal of writ, and respond to Ms. Dell re same.	\$ 350.00	\$ 105.00
4/12/2018	Alina Shell	0.2	FEES APPEAL: Review en banc Supreme Court opinion regarding Coroner's Motion for stay of attorney fees Order.	\$ 350.00	\$ 70.00
4/12/2018	Alina Shell	2.0	FEES APPEAL: Per Ms. McLetchie's request, research regarding grounds for reconsideration of en banc decision re stay of attorney fees Order.	\$ 350.00	\$ 700.00
4/12/2018	Alina Shell	0.4	FEES APPEAL: Continue research regarding en banc reconsideration.	\$ 350.00	\$ 140.00
4/13/2018	Alina Shell	0.8	FEES APPEAL: Meeting with Mr. Wolpert to discuss possible petition for rehearing (.4). Review Justice Cherry's dissent in Order granting stay to identify potential issues to raise in petition for rehearing and conduct research re same. (.4).	\$ 350.00	\$ 280.00
4/16/2018	Alina Shell	1.5	FEES APPEAL: Edit and expand Mr. Wolpert's draft of petition for rehearing on stay of award of attorney's fees. Legal research re NPR 8(a) to include argument re how Order could result in nullification of the rule. Edit opposition to Motion to stay enforcement of award Order pending appeal.	\$ 350.00	\$ 525.00
4/17/2018	Alina Shell	1.0	FEES APPEAL: Complete draft of petition for rehearing and circulate to Ms. McLetchie for review and comment.	\$ 350.00	\$ 350.00
4/17/2018	Alina Shell	1.1	FEES APPEAL: Address Ms. McLetchie's edits and comments to draft of petition for rehearing.	\$ 350.00	\$ 385.00
4/23/2018	Alina Shell	0.4	FEES APPEAL: Add additional argument to Motion for rehearing pursuant to discussion with Ms. McLetchie.	\$ 350.00	\$ 140.00
4/27/2018	Alina Shell	0.8	FEES APPEAL: Review and incorporate Mr. Wolpert's edits to petition for rehearing, and do additional proofreading/editing.	\$ 350.00	\$ 280.00
4/30/2018	Alina Shell	0.1	FEES APPEAL: pre-final review of petition for rehearing; email same to Ms. McLetchie for final review and approval.	\$ 350.00	\$ 35.00
4/30/2018	Alina Shell	0.2	FEES APPEAL: Incorporate final edits to petition for rehearing.	\$ 350.00	\$ 70.00
6/28/2018	Alina Shell	0.1	APPEAL: Email Ms. Nichols regarding intent to file Motion for Extension of Time for Filing Answering Brief for appeal.	\$ 350.00	\$ 35.00
6/28/2018	Alina Shell	0.6	APPEAL: Review Opening Brief filed by Coroner and conduct preliminary research re arguments.	\$ 350.00	\$ 210.00
6/28/2018	Alina Shell	0.8	APPEAL: Draft Motion for Extension of Time for Filing Answering Brief.	\$ 350.00	\$ 280.00
8/10/2018	Alina Shell	1.5	APPEAL: Review Coroner Opening Brief and begin researching and outlining response to Coroner's statement of facts and procedural history. Meeting with Ms. McLetchie to discuss same, and discuss apportionment of different sections of Answering Brief.	\$ 350.00	\$ 525.00
8/12/2018	Alina Shell	3.1	APPEAL: Draft response to statement of facts and procedural history in Coroner's opening brief.	\$ 350.00	\$ 1,085.00
8/12/2018	Alina Shell	1.2	APPEAL: Per Ms. McLetchie's request, draft portion of Answering Brief responding to Coroner's Office's previously unasserted argument regarding retroactive application of changes to NRS made by 2017 AB 57.	\$ 350.00	\$ 420.00
8/12/2018	Alina Shell	1.9	APPEAL: Per Ms. McLetchie's request, draft argument for Answering Brief regarding impermissible costs for privilege review and redaction.	\$ 350.00	\$ 665.00
8/13/2018	Alina Shell	1.1	APPEAL: Per Ms. McLetchie's request, edit and refine response to statement of facts and procedural history for answering brief; specifically, edit section regarding hearsay and legal conclusions in Mr. Fudenberg's declaration.	\$ 350.00	\$ 385.00

8/13/2018	Alina Shell	12.3	APPEAL: Additional attention to answering brief: edit Motion for excess pages/type-volume; editing all arguments and response to statement of facts/procedural history; identify materials needed for Respondent's Appendix; edit and approve tables for same; proofread and check case law and record citations; edit and approve table of contents and table of authorities.	\$ 350.00	\$ 4,305.00
8/30/2018	Alina Shell	1.7	FEES APPEAL: Begin review of preliminary draft answering brief in attorney's fees appeal.	\$ 350.00	\$ 595.00
9/5/2018	Alina Shell	2.5	APPEAL: Per Ms. McLetchie's request, edit and proofread shortened answering brief.	\$ 350.00	\$ 875.00
9/17/2018	Alina Shell	0.4	FEES APPEAL: Edit 2nd Motion for Extension of time to file Answering Brief.	\$ 350.00	\$ 140.00
9/17/2018	Alina Shell	0.5	APPEAL: Review LVMPD Motion to Strike Respondent's Appendix and conduct legal research re same. Review appendix materials at issue and our Answering Brief to see how we used the materials, and draft memo to Ms. McLetchie outlining potential response.	\$ 350.00	\$ 175.00
9/19/2018	Alina Shell	3.0	APPEAL: Draft Opposition to Motion to Strike Appendix and Motion to Stay Briefing.	\$ 350.00	\$ 1,050.00
9/21/2018	Alina Shell	0.4	APPEAL: Edit Opposition / Response to Motion to Strike consistent with directions from Ms. McLetchie.	\$ 350.00	\$ 140.00
10/16/2018	Alina Shell	0.5	FEES APPEAL: Review draft of Answering Brief and identify areas that need expansion/refinement; discuss same with Ms. McLetchie.	\$ 350.00	\$ 175.00
10/17/2018	Alina Shell	2.6	FEES APPEAL: Draft argument for Answering Brief regarding Coroner's waiver of claim that Review-Journal failed to submit a memorandum of costs and response to Coroner's argument regarding the award of \$165 in fees for support staff. Edit and refine statement of facts; edit statement of case.	\$ 350.00	\$ 910.00
10/18/2018	Alina Shell	7.3	FEES APPEAL: Resume work on Answering Brief: edit standards of review; draft section regarding legislative history; edit and expand section responding to argument that attorneys fees are "damages".	\$ 350.00	\$ 2,555.00
10/18/2018	Alina Shell	1.6	FEES APPEAL: Check legal and statutory citations on current draft of brief and correct as necessary.	\$ 350.00	\$ 560.00
10/19/2018	Alina Shell	8.0	FEES APPEAL: Expand arguments in Answering Brief regarding the Coroner's unpreserved arguments re memorandum of costs and administrative staff time; address Coroner's arguments regarding the "American Rule;" review opening brief and draft answering brief in tandem to make sure each argument addressed; address argument regarding LCB recommendations to amend NPRA. Check record and brief citations, proofread in tandem with Mr. Wolpert, and review final version of brief.	\$ 350.00	\$ 2,800.00
10/24/2018	Alina Shell	0.9	APPEAL: Begin drafting notice of supplemental authorities re recent decision in PERS v. NPRI.	\$ 350.00	\$ 315.00
10/25/2018	Alina Shell	1.9	APPEAL: Continued drafting notice of supplemental authorities. Edit pursuant to Ms. McLetchie's direction.	\$ 350.00	\$ 665.00
10/29/2018	Alina Shell	0.6	APPEAL: Revise notice of Supplemental Authorities in light of Clark County School District ("CCSD") opinion.	\$ 350.00	\$ 210.00
12/4/2018	Alina Shell	1.1	APPEAL: Address questions from Mr. Kane regarding arguments in briefs and timeline for resolution of appeal. Per Ms. McLetchie's request, review Coroner's reply brief and conduct research regarding (1) whether factual allegations in the Coroner's reply brief are false; (2) whether we can file a Motion to strike arguments raised in the Coroner's reply that might be false, and (3) whether we should request leave to file a surreply to address the Coroner's arguments regarding the recent Supreme Court decision in CCSD v. Las Vegas Review-Journal.	\$ 350.00	\$ 385.00
12/13/2018	Alina Shell	0.6	APPEAL: Begin drafting Motion for Leave to File Surreply.	\$ 350.00	\$ 210.00
12/13/2018	Alina Shell	0.5	APPEAL: Attention to Surreply: conduct legal research regarding whether family members can assert personal privacy interest for deceased person.	\$ 350.00	\$ 175.00
12/14/2018	Alina Shell	4.4	APPEAL: Resume work on proposed Surreply: draft introduction, factual argument regarding the release of autopsy reports in Colorado child death investigation, and argument regarding application of the new balancing test set forth in CCSD v. Las Vegas Review-Journal.	\$ 350.00	\$ 1,540.00
12/21/2018	Alina Shell	0.4	APPEAL: Address Ms. McLetchie's edits to Surreply.	\$ 350.00	\$ 140.00
1/23/2019	Alina Shell	2.4	APPEAL: Review Opposition to Motion for Leave to File Surreply. Conduct legal research and draft reply to same.	\$ 350.00	\$ 840.00
10/3/2019	Alina Shell	1.4	FEES APPEAL: Draft and distribute response to the Coroner's September 23, 2019 Notice of Supplemental Authorities regarding the 2019 legislative session.	\$ 350.00	\$ 490.00
10/3/2019	Alina Shell	1.8	FEES APPEAL: Expand response to Coroner's Notice of Supplemental Authorities pursuant to comments and direction from Ms. McLetchie: add in facts from 1993 legislative session regarding NRS 239.011 and facts from the 2019 session regarding amendments to the NPRA.	\$ 350.00	\$ 630.00
10/5/2019	Alina Shell	2.4	APPEAL and FEES APPEAL: Assist Ms. McLetchie with oral argument prep by creating outline regarding substantive claims on appeal.	\$ 350.00	\$ 840.00

10/6/2019	Alina Shell	1.0	APPEAL and FEES APPEAL: Continue assisting Ms. McLetchie with oral argument preparation by reviewing Coroner's Reply Brief and including responses to arguments in outline.	\$ 350.00	\$ 350.00
10/6/2019	Alina Shell	2.2	APPEAL and FEES APPEAL: Provide additional assistance to Ms. McLetchie in preparing for oral argument: find record citations for possible reference at argument, expand outline at Ms. McLetchie's request, and moot Ms. McLetchie.	\$ 350.00	\$ 770.00
		119.8	Totals for Alina M. Shell (2017-2019)	\$	41,930.00
5/6/2020	Alina Shell	2.0	Per Ms. McLetchie's request, work on chart regarding evidence demonstrating public interest in access to autopsy reports.	\$ 375.00	\$ 750.00
5/7/2020	Alina Shell	1.7	Resume work on chart regarding interest in access to autopsy reports.	\$ 375.00	\$ 637.50
5/7/2020	Alina Shell	0.8	Make additional edits to chart regarding interest in access based on comments and information provided by Ms. McLetchie.	\$ 375.00	\$ 300.00
8/9/2020	Alina Shell	4.3	Attention to post-remand opening brief: complete statement of facts/procedural history, draft section re NPRA standards, section re CCSD case, and section re interest in access to juvenile autopsy reports.	\$ 375.00	\$ 1,612.50
8/10/2020	Alina Shell	5.8	Expand draft of opening brief consistent with direction from Ms. McLetchie: expand section regarding CCSD test, conduct legal research and draft section regarding limited application of CCSD/Cameranesi test, restructure argument regarding public interest in access to autopsy reports.	\$ 375.00	\$ 2,175.00
8/12/2020	Alina Shell	2.2	Continued attention to opening brief: draft facts regarding the sample redacted autopsy reports provided by the Coroner pre-litigation and expand argument re those redactions.	\$ 375.00	\$ 825.00
8/21/2020	Alina Shell	1.4	Address Mr. Lipman's edit's to draft of opening brief on remand.	\$ 375.00	\$ 525.00
8/23/2020	Alina Shell	2.8	Resume editing opening brief on remand.	\$ 375.00	\$ 1,050.00
8/24/2020	Alina Shell	3.8	Address Ms. McLetchie's further edits to opening brief: add in facts about the 1 October coroner case, add in additional facts relevant to requests in this matter, add in case law regarding other courts' approach to balancing tests for FOIA Exemption 6.	\$ 375.00	\$ 1,425.00
8/26/2020	Alina Shell	2.4	Address Mr. Lipman's and Ms. McLetchie's edits, comments, and directions regarding post-remand opening brief.	\$ 375.00	\$ 900.00
8/27/2020	Alina Shell	6.1	Incorporate additional edits from Ms. McLetchie and Mr. Lipman into pre-final draft of opening brief on remand; finalize and file same.	\$ 375.00	\$ 2,287.50
8/27/2020	Alina Shell	0.6	Proof and edit tables of opening brief and approve for filing.	\$ 375.00	\$ 225.00
9/25/2020	Alina Shell	0.1	Review and approve stipulation re briefing schedule.	\$ 375.00	\$ 37.50
10/15/2020	Alina Shell	4.4	Review answer filed by Coroner to supplemental opening brief and begin drafting reply, with focus on analyzing cases cited by Coroner regarding redaction	\$ 375.00	\$ 1,650.00
10/16/2020	Alina Shell	1.3	Resume work on reply in support of post-remand brief.	\$ 375.00	\$ 487.50
10/18/2020	Alina Shell	6.2	Additional attention to draft of reply in support of supplemental opening brief on remand.	\$ 375.00	\$ 2,325.00
10/19/2020	Alina Shell	1.3	Complete draft of reply in support of supplemental brief on remand.	\$ 375.00	\$ 487.50
10/20/2020	Alina Shell	1.5	Address Mr. Lipman's edits to reply in support of supplemental opening brief on remand.	\$ 375.00	\$ 562.50
10/22/2020	Alina Shell	2.1	Review and address Mr. Lipman's comments to second draft of reply in support of opening brief on remand. Edit and expand draft reply consistent with comments and case law provided by Ms. McLetchie.	\$ 375.00	\$ 787.50
10/22/2020	Alina Shell	0.3	Proofread and correct table of content and table of authorities for reply in support of opening brief on remand. Approve brief for filing.	\$ 375.00	\$ 112.50
10/29/2020	Alina Shell	1.1	Assist Ms. McLetchie with preparation for argument: conduct legal research re law of the case doctrine and summarize same.	\$ 375.00	\$ 412.50
11/9/2020	Alina Shell	1.8	Begin drafting Order regarding supplemental briefing on remand. Confer with Ms. McLetchie re same.	\$ 375.00	\$ 675.00
11/10/2020	Alina Shell	3.8	Resume drafting proposed Order regarding remand briefing.	\$ 375.00	\$ 1,425.00
11/12/2020	Alina Shell	2.1	Address Ms. McLetchie's edits to first draft of proposed Order on remand	\$ 375.00	\$ 787.50
11/13/2020	Alina Shell	0.3	Review and make additional edits to draft proposed Order on remand.	\$ 375.00	\$ 112.50
11/13/2020	Alina Shell	0.2	Review and accept changes to draft proposed Order.	\$ 375.00	\$ 75.00
11/18/2020	Alina Shell	0.3	Review and assess Ms. Nichols' redline of proposed Order on remand; email Ms. McLetchie re same.	\$ 375.00	\$ 112.50
11/22/2020	Alina Shell	5.8	Expand opposition to Motion for stay pending appeal: complete procedural history and respond to Coroner's arguments re NRAP 8 stay factors.	\$ 375.00	\$ 2,175.00
11/23/2020	Alina Shell	0.2	Locate and provide record citations to Ms. McLetchie for inclusion in opposition to Motion to stay.	\$ 375.00	\$ 75.00
11/23/2020	Alina Shell	1.6	Draft section of opposition to Motion for stay pending appeal to address the Coroner's assertion that the absence of a stay would moot its claims and assist Ms. McLetchie with Motion by researching prior stay Motions granted or denied by other district courts.	\$ 375.00	\$ 600.00
11/29/2020	Alina Shell	1.5	Edit opposition to Motion for stay pending appeal of Order directing Coroner to produce autopsy reports.	\$ 375.00	\$ 562.50
11/30/2020	Alina Shell	1.1	Review, address, and incorporate Mr. Lipman's edits and comments to draft opposition to Motion to stay.	\$ 375.00	\$ 412.50

11/30/2020	Alina Shell	0.5	Address Ms. McLetchie's edits and comments to opposition to Motion for stay pending appeal.	\$ 375.00	\$ 187.50
12/4/2020	Alina Shell	0.8	Edit and provide comments and suggestions regarding Mr. Wolpert's draft Motion for Attorney's Fees and Costs.	\$ 375.00	\$ 300.00
12/7/2020	Alina Shell	0.9	Expand draft of Motion for Order to Show Cause (re not disclosing autopsy reports as Ordered) by adding facts re timing of Board meetings.	\$ 375.00	\$ 337.50
12/7/2020	Alina Shell	0.9	Edit draft Motion for Order to Show Cause.	\$ 375.00	\$ 337.50
12/8/2020	Alina Shell	0.8	Attention to Motion for attorney's fees: review and accept Mr. Lipman's changes to Motion. Add in argument and exhibit re fee award in CIR v. LVMPD matter.	\$ 375.00	\$ 300.00
12/8/2020	Alina Shell	0.1	Attention to verifying information for December 15 County Commission meeting.	\$ 375.00	\$ 37.50
12/9/2020	Alina Shell	1.0	Per Ms. McLetchie's request, review Coroner opposition to Order to Show Cause and provide suggested responses to same.	\$ 375.00	\$ 375.00
12/10/2020	Alina Shell	1.0	Attention to hearing on Motion for Order to Show Cause: research Nevada case law regarding contempt proceedings.	\$ 375.00	\$ 375.00
12/10/2020	Alina Shell	0.6	Observe hearing on Motion for stay and Motion for Order to Show Cause.	\$ 375.00	\$ 225.00
12/11/2020	Alina Shell	0.1	Attention to Motion for attorney fees: verify prior rates for attorney and staff time.	\$ 375.00	\$ 37.50
12/11/2020	Alina Shell	1.1	Attention to Motion for attorney's fees: review supporting documentation and fees information.	\$ 375.00	\$ 412.50
12/11/2020	Alina Shell	1.6	Draft letter on behalf of Nevada Open Government Coalition to County Commission re coroner request for approval of appeal.	\$ 375.00	\$ 600.00
12/11/2020	Alina Shell	0.7	Attention to fees Motion: review and edit spreadsheet of fees.	\$ 375.00	\$ 262.50
12/11/2020	Alina Shell	0.5	Edit and proofread final draft of Motion for Attorney's Fees and Costs.	\$ 375.00	\$ 187.50
12/15/2020	Alina Shell	2.3	Attention to Order Denying Motion for stay: review transcript of hearing on Motion for stay pending appeal and begin drafting Order.	\$ 375.00	\$ 862.50
12/16/2020	Alina Shell	2.6	Complete draft of Order Denying the Coroner's Motion for stay pending appeal. Circulate same to Ms. McLetchie for review.	\$ 375.00	\$ 975.00
12/18/2020	Alina Shell	0.2	Address Ms. McLetchie's edits to Order Denying Motion for stay.	\$ 375.00	\$ 75.00
12/20/2020	Alina Shell	4.3	APPEAL: Edit draft of response to Motion for stay pending appeal: update draft to include record and case citations, expand arguments, edit for content and clarity, and review for proposed changes to reduce page count.	\$ 375.00	\$ 1,612.50
12/21/2020	Alina Shell	0.3	APPEAL: Assist Ms. McLetchie with citation format for articles cited in opposition to Motion for stay.	\$ 375.00	\$ 112.50
12/21/2020	Alina Shell	4.2	APPEAL: Edit latest draft of opposition to Motion for stay pending appeal.	\$ 375.00	\$ 1,575.00
12/22/2020	Alina Shell	0.5	Attention to proposed Order Denying Motion for stay: proofread and edit Order, proofread letter to court re competing Orders, and direct staff re submission to court. Email opposing counsel re same.	\$ 375.00	\$ 187.50
12/22/2020	Alina Shell	1.6	APPEAL: Address Mr. Lipman's edits to response to emergency Motion for stay pending appeal.	\$ 375.00	\$ 600.00
12/23/2020	Alina Shell	1.2	APPEAL: Address additional edits from Mr. Lipman to response to emergency Motion for stay pending appeal. Draft Motion for leave to exceed page limit.	\$ 375.00	\$ 450.00
12/24/2020	Alina Shell	2.3	APPEAL: Attention to response to emergency Motion for stay: make additional edits to draft response. Edit Motion for excess pages. Assist Ms. Burchfield in locating exhibits.	\$ 375.00	\$ 862.50
12/24/2020	Alina Shell	0.3	APPEAL: Proof and cite check table of authorities. Correct errors in same and send to Ms. Burchfield for finalization and filing.	\$ 375.00	\$ 112.50
12/29/2020	Alina Shell	0.1	Attempt to contact Ms. Nichols regarding Order on Motion for Order to Show Cause and production of autopsy records.	\$ 375.00	\$ 37.50
12/29/2020	Alina Shell	0.6	APPEAL: Review Order Denying Motion for a stay. Per Ms. McLetchie's request, research whether Coroner could seek rehearing of the Motion, and draft short memo re same.	\$ 375.00	\$ 225.00
12/30/2020	Alina Shell	6.7	APPEAL: Begin drafting response to emergency petition for rehearing.	\$ 375.00	\$ 2,512.50
1/7/2021	Alina Shell	0.2	Per Ms. McLetchie's request, conduct research to determine whether to exercise peremptory challenge against newly assigned judge.	\$ 375.00	\$ 75.00
1/7/2021	Alina Shell	0.1	Review and approve Peremptory Challenge.	\$ 375.00	\$ 37.50
1/14/2021	Alina Shell	1.9	Per Ms. McLetchie's request, conduct legal research regarding entitlement to fees on appeal. Draft memo re same.	\$ 375.00	\$ 712.50
1/15/2021	Alina Shell	0.2	Review Ms. Nichols' edit to proposed Stipulation and Order. Discuss same with Ms. McLetchie and circulate to Mr. Lipman for review.	\$ 375.00	\$ 75.00
1/27/2021	Alina Shell	0.4	Attend hearing re Motion for Attorney's Fees and Costs to note that parties had submitted a Stipulation and Order to extend. Obtain new hearing date and update team.	\$ 375.00	\$ 150.00
1/28/2021	Alina Shell	1.1	Edit draft of Consolidated Motion for Attorney's Fees and Costs.	\$ 375.00	\$ 412.50
2/2/2021	Alina Shell	1.0	Attention to Consolidated Motion for Attorney's Fees and Costs: review and edit spreadsheet of time entries for inclusion with Consolidated Motion.	\$ 375.00	\$ 375.00
		113.6	Totals for Alina M. Shell (2020-2021)	\$	42,600.00
		233.4	Grand Total for Alina M. Shell	\$	84,530.00

7/2/2018	Carly Krygier	0.1	Review and edit Public Records Act request regarding fees paid to outside counsel in case.	\$ 200.00	\$ 20.00
8/22/2018	Jessica Brown	5.5	FEES APPEAL: Outline the Coroner's brief and the Las Vegas Review-Journal's corresponding arguments in the lower court.	\$ 200.00	\$ 1,100.00
8/23/2018	Jessica Brown	0.5	FEES APPEAL: Discuss Reply brief with Ms. McLetchie.	\$ 200.00	\$ 100.00
8/23/2018	Jessica Brown	5.4	FEES APPEAL: Copy edit text, review the content of citations, and copy edit citations for the LVRJ's response to the LVMPD's Writ of Mandamus.	\$ 200.00	\$ 1,080.00
8/23/2018	Jessica Brown	0.5	FEES APPEAL: Review the case law cited by the Coroner regarding whether we have to wait until the substantive appeal has been decided to collect attorneys' fees. Report to Ms. McLetchie re same.	\$ 200.00	\$ 100.00
8/24/2018	Jessica Brown	3.8	FEES APPEAL: Reviewed Coroner's opening brief on attorney's fees, created outline to address Coroner's arguments and case law; began to draft brief based on the action in the lower court.	\$ 200.00	\$ 760.00
8/27/2018	Jessica Brown	2.4	FEES APPEAL: Continue to draft outline to address Coroner's arguments and case law; begin to draft brief based on the arguments made in the lower court.	\$ 200.00	\$ 480.00
8/28/2018	Jessica Brown	5.2	FEES APPEAL: Continue to draft opening brief regarding attorney's fees by addressing Coroner's arguments and case law.	\$ 200.00	\$ 1,040.00
8/29/2018	Jessica Brown	7.1	FEES APPEAL: Continue to draft and revise appellate brief by outlining the case law in the Coroner's opening brief, responding with the arguments we made in the lower court, and adding case law that is responsive to the Coroner on appeal.	\$ 200.00	\$ 1,420.00
9/4/2018	Jessica Brown	1.4	FEES APPEAL: Revise appellate brief for attorney's fees, specifically the arguments about the lack of ambiguity between the fees provision and the damages provision in Nevada Revised Statutes section 239.	\$ 200.00	\$ 280.00
9/8/2018	Jessica Brown	3.2	FEES APPEAL: Continue to draft appellate brief for attorneys' fees. Incorporate case law to respond to Coroner's case law on the standard of review for the NPRA, and the standard of review for factual disputes regarding fees. Incorporated a section on the background of the NPRA.	\$ 200.00	\$ 640.00
9/10/2018	Jessica Brown	1.9	FEES APPEAL: Revise appellate brief for attorneys' fees Addressing case law in Nevada that supports a plain reading of the NPRA - case law that directly contradicts the Coroner's claims.	\$ 200.00	\$ 380.00
9/11/2018	Jessica Brown	3.8	FEES APPEAL: Revise appellate brief by including further facts and arguments from the dispute in lower courts for the Reply to the Coroner's Opening Brief regarding attorney's fees.	\$ 200.00	\$ 760.00
9/15/2018	Jessica Brown	6.8	FEES APPEAL: Revise Answering brief for Attorney's fees. Address specific case law in the Coroner's opening brief regarding the NPRA and the lack of conflict between provisions in the same statute.	\$ 200.00	\$ 1,360.00
10/18/2018	Jessica Brown	0.8	FEES APPEAL: Research for Review-Journal Answering Brief regarding statutory interpretation of provisions that appear in sequential Order ("back to back"): email memo to Ms. Shell re same.	\$ 200.00	\$ 160.00
		48.4	Totals for Former Associate Attorneys	\$	9,680.00
12/11/2017	Lacey Ambro	0.4	Prepare Binder for Motion to Stay Hearing.	\$ 50.00	\$ 20.00
1/5/2018	Lacey Ambro	0.6	Prepare Judge's Courtesy Copy and Hearing Binder re: Motion for Attorney's Fees.	\$ 50.00	\$ 30.00
1/5/2018	Lacey Ambro	0.3	Dropped off Courtesy Copy Binder to Judge Crockett re: Motion for Attorney's Fees.	\$ 50.00	\$ 15.00
2/14/2018	Lacey Ambro	0.8	Prepare Hearing binder regarding Respondent's Renewed Motion for Order Shortening Time on Motion for Stay of Order granting Motion for Attorney's Fees and Costs.	\$ 50.00	\$ 40.00
9/26/2019	Lacey Ambro	1.9	APPEAL and FEES APPEAL: Print and prepare binders of Briefings and Appendices for October 7, 2019 Oral Arguments, for both appeals (consolidated to be heard at same Oral Argument).	\$ 50.00	\$ 95.00
3/2/2020	Lacey Ambro	0.1	Process incoming mail: Opinion. Circulate to attorneys.	\$ 50.00	\$ 5.00
		4.1	Totals for Lacey Ambro (Admin)	\$	205.00
5/18/2020	Lacey Ambro	0.1	Download, save, and review Minute Order. Circulate to attorneys and update calendar accordingly.	\$ 150.00	\$ 15.00
11/20/2020	Lacey Ambro	0.4	Download, save, and circulate (1) Coroner's Motion to Stay on Order Shortening Time (no hearing date); (2) Coroner's Motion to Stay on Order Shortening Time (w/Hearing date) and (3) Notice of Entry of Coroner's Motion to Stay on Order Shortening Time. Calendar accordingly.	\$ 150.00	\$ 60.00
11/20/2020	Lacey Ambro	0.4	Download, save and circulate Las Vegas Review-Journal's Order on Remand. Draft and finalize Notice of Entry of Order on Remand. Efile/eserve same. Download, save and circulate same. Calendar accordingly.	\$ 150.00	\$ 60.00
11/24/2020	Lacey Ambro	0.4	Update second NPRA letter for fees paid in NPRA litigation re child death autopsies. Finalize and email.	\$ 150.00	\$ 60.00
12/3/2020	Lacey Ambro	2.0	Review responsive NPRA records received from Ms. Rehfeldt re Marquis Aurbach Coffing Fees/costs. Begin charting information.	\$ 150.00	\$ 300.00
12/4/2020	Lacey Ambro	1.2	Continue charting information from 12/3/2020 responsive NPRA records received from Ms. Rehfeldt re Marquis Aurbach Coffing Fees/costs. Circulate chart and breakdown of information referenced to attorneys.	\$ 150.00	\$ 180.00

12/8/2020	Lacey Ambro	0.4	Begin quality check of costs breakdown and redactions. Conclude review of copy costs and filing fees sections and provide input.	\$ 150.00	\$ 60.00
12/9/2020	Lacey Ambro	0.5	Finish quality check of costs. Email re additional redactions.	\$ 150.00	\$ 75.00
12/11/2020	Lacey Ambro	0.6	Review time entry to ensure correct entries are captured in Motion for Attorney's Fees and Costs. Generate and proofread draft bill.	\$ 150.00	\$ 90.00
12/22/2020	Lacey Ambro	0.6	Draft competing Orders letter to Judge Crockett. Finalize same. Finalize Order Denying Coroner's Motion for Stay. Email chambers letter and proposed Order.	\$ 150.00	\$ 90.00
12/28/2020	Lacey Ambro	0.2	Download, save and circulate Coroner's Opposition to LVRJ's Supplemental Motion for Attorney's Fees and Costs. Circulate to Mr. Lipman.	\$ 150.00	\$ 30.00
12/28/2020	Lacey Ambro	0.2	Email Dept. 24 chamber to request extension on Order on Show Cause. Review court's response granting extension to 1/5/2021. Update calendar.	\$ 150.00	\$ 30.00
12/29/2020	Lacey Ambro	0.1	APPEAL: Download, save and circulate Order Denying Stay. Calendar accordingly.	\$ 150.00	\$ 15.00
12/30/2020	Lacey Ambro	0.1	APPEAL: Download, save and circulate Emergency Petition for Rehearing.	\$ 150.00	\$ 15.00
2/2/2021	Lacey Ambro	1.9	Review fee detail spreadsheet for exhibit to Consolidated Motion for Attorney's Fees and Costs.	\$ 150.00	\$ 285.00
		9.1	Totals for Lacey Ambro (Paralegal)	\$	1,365.00
		13.2	Grand Total for Lacey Ambro	\$	1,570.00
1/4/2018	Leo Wolpert	1.1	Read opposition to Motion for Attorney's Fees and Costs, edit and proofread Reply to opposition.	\$ 200.00	\$ 220.00
1/18/2018	Leo Wolpert	0.8	Edit and proofread proposed Order on Motion for Attorney's Fees and Costs..	\$ 200.00	\$ 160.00
2/12/2018	Leo Wolpert	5.5	Research, draft opposition to Motion for Stay of Order granting Motion for Attorney's Fees and Costs.	\$ 200.00	\$ 1,100.00
2/13/2018	Leo Wolpert	2.0	Finish opposition to Motion for Stay of Order granting Motion for Attorney's Fees and Costs.	\$ 200.00	\$ 400.00
3/16/2018	Leo Wolpert	6.3	APPEAL: Draft, edit, research Opposition to emergency Motion for Stay at Nevada Supreme Court.	\$ 200.00	\$ 1,260.00
4/12/2018	Leo Wolpert	4.3	FEES APPEAL: Read Supreme Court decision granting stay to Coroner, research post-Nken federal cases regarding whether 62(d) and 62(e) work in tandem to give governmental entities stays as a matter of right.	\$ 200.00	\$ 860.00
4/13/2018	Leo Wolpert	4.5	FEES APPEAL: Research and write argument for petition for rehearing of Supreme Court Order granting stay.	\$ 200.00	\$ 900.00
4/16/2018	Leo Wolpert	1.8	FEES APPEAL: Finish drafting petition for reconsideration of Order on Motion for Stay.	\$ 200.00	\$ 360.00
4/17/2018	Leo Wolpert	0.5	FEES APPEAL: Edit and proofread Supreme Court petition for rehearing.	\$ 200.00	\$ 100.00
4/26/2018	Leo Wolpert	0.5	FEES APPEAL: edit and proofread petition for rehearing.	\$ 200.00	\$ 100.00
8/13/2018	Leo Wolpert	3.9	APPEAL: Edit, proofread, and cite check Answering Brief.	\$ 200.00	\$ 780.00
10/2/2018	Leo Wolpert	5.5	FEES APPEAL: Read through Coroner's Opening Brief, begin drafting editing and revising, cite checking and proofreading and reorganizing Answering Brief.	\$ 200.00	\$ 1,100.00
10/18/2018	Leo Wolpert	0.7	FEES APPEAL: Research briefing in Blackjack Bonding to see which policy arguments of Las Vegas Metropolitan Police Department were rejected by the Nevada Supreme Court, email to Ms. Shell and Ms. McLetchie re same.	\$ 200.00	\$ 140.00
10/18/2018	Leo Wolpert	3.1	FEES APPEAL: Research cases regarding damages other than attorney's fees and costs in the context of good faith (non) production of public records, draft and edit section of brief opposing argument regarding damages a requester can suffer.	\$ 200.00	\$ 620.00
10/18/2018	Leo Wolpert	0.9	FEES APPEAL: Edit, research, further draft section of Answering Brief regarding out-of-state precedents cited by Coroner in Opening Brief.	\$ 200.00	\$ 180.00
10/19/2018	Leo Wolpert	5.5	FEES APPEAL: Draft, proofread and edit Answering Brief, particular attention to editing subsections C-H in legal argument section; go through Opening Brief Table of Authorities to ensure that we addressed all the Coroner's relevant cases and statutes.	\$ 200.00	\$ 1,100.00
10/19/2018	Leo Wolpert	2.5	FEES APPEAL: Edit and proofread hard copy of the Answering Brief.	\$ 200.00	\$ 500.00
1/23/2019	Leo Wolpert	0.2	APPEAL: Edit Reply to Opposition to Motion for Leave to File Surreply.	\$ 200.00	\$ 40.00
1/24/2019	Leo Wolpert	0.1	APPEAL: Final hand edits to Reply to Opposition to Motion for Leave to File Surreply.	\$ 200.00	\$ 20.00
10/6/2019	Leo Wolpert	1.5	FEES APPEAL: Assist Ms. McLetchie in preparation for oral argument, specifically with out-of-state cases.	\$ 200.00	\$ 300.00
10/7/2019	Leo Wolpert	1.8	APPEAL: Assist Ms. McLetchie in preparation for oral argument.	\$ 200.00	\$ 360.00
		53.0	Totals for Leo S. Wolpert (2018-2019)	\$	10,600.00
8/13/2020	Leo Wolpert	0.8	Review, edit, proofread first draft of opening brief of petition on remand.	\$ 250.00	\$ 200.00
8/16/2020	Leo Wolpert	0.8	Review Ms. McLetchie's rewrite of opening brief on remand and make edits thereto.	\$ 250.00	\$ 200.00
10/22/2020	Leo Wolpert	1.1	Proofread and edit reply in support of opening brief.	\$ 250.00	\$ 275.00
11/13/2020	Leo Wolpert	1.3	Proofread Order on remand.	\$ 250.00	\$ 325.00
11/21/2020	Leo Wolpert	0.2	Assist Ms. McLetchie in drafting Motion for stay by procuring documents.	\$ 250.00	\$ 50.00
12/1/2020	Leo Wolpert	2.3	Begin outlining, drafting, researching, reviewing materials regarding fees for Motion for Attorney's Fees. Confer with Ms. McLetchie re same.	\$ 250.00	\$ 575.00
12/2/2020	Leo Wolpert	3.8	Continue drafting, researching supplemental Motion for Attorney's Fees and Costs including research re Laffey Matrix and other fees.	\$ 250.00	\$ 950.00

12/3/2020	Leo Wolpert	2.8	Continue drafting, researching supplemental Motion for Attorney's Fees and Costs.	\$ 250.00	\$ 700.00
12/4/2020	Leo Wolpert	1.7	Final edits and updates to initial draft of supplemental Motion for Attorney's Fees and Costs.	\$ 250.00	\$ 425.00
12/5/2020	Leo Wolpert	1.3	Begin researching and drafting Motion for Order to Show Cause re contempt of disclosure Order.	\$ 250.00	\$ 325.00
12/6/2020	Leo Wolpert	3.2	Continue researching and drafting Motion for Order to Show Cause re contempt of disclosure Order.	\$ 250.00	\$ 800.00
12/7/2020	Leo Wolpert	2.8	Complete researching and drafting Motion for Order to Show Cause re contempt of disclosure Order, including declarations, etc.	\$ 250.00	\$ 700.00
12/10/2020	Leo Wolpert	1.3	Research regarding court reassignment potential contempt hearing against Coroner.	\$ 250.00	\$ 325.00
12/11/2020	Leo Wolpert	1.0	Edit Supplemental Motion for Attorney's Fees; confirm fees and costs.	\$ 250.00	\$ 250.00
12/24/2020	Leo Wolpert	0.3	APPEAL: Edit, proofread Motion for excess pages on appeal.	\$ 250.00	\$ 75.00
12/31/2020	Leo Wolpert	1.2	Research criminal contempt for disobeying court Order.	\$ 250.00	\$ 300.00
1/14/2021	Leo Wolpert	1.5	Review previous Motion for Attorney's Fees and Costs replies, research concerning fees on supplement.	\$ 250.00	\$ 375.00
1/27/2021	Leo Wolpert	4.3	Draft, research Consolidated amended Motion for Attorney's Fees and Costs, particular attention to summarizing events in litigation since November and researching awards in district court.	\$ 250.00	\$ 1,075.00
1/28/2021	Leo Wolpert	1.5	Finish drafting, researching Consolidated Motion for Attorney's Fees and Costs.	\$ 250.00	\$ 375.00
2/1/2021	Leo Wolpert	2.7	Edit, proof, implement Mr. Lipman's suggestions regarding Consolidated Motion for Attorney's Fees and Costs, particular attention to researching and drafting arguments for appeal fees going back to Musso.	\$ 250.00	\$ 675.00
2/2/2021	Leo Wolpert	3.0	Finalize Motion for Attorneys' Fees; work with paralegals re fees and exhibits.	\$ 250.00	\$ 750.00
		38.9	Totals for Leo S. Wolpert (2020-2021)	\$	9,725.00
		91.9	Grand Total for Leo S. Wolpert	\$	20,325.00
11/9/2017	Margaret McLetchie	0.2	Review final Order; direct Ms. Burchfield to update client and check calendaring of deadline to appeal, deadline for attorney's fees.	\$ 450.00	\$ 90.00
11/9/2017	Margaret McLetchie	0.2	Confer with paralegal re notice of entry of Order, associated deadlines, and updating clients.	\$ 450.00	\$ 90.00
11/27/2017	Margaret McLetchie	0.2	Check schedule/ attention to calendaring dates.	\$ 450.00	\$ 90.00
11/28/2017	Margaret McLetchie	1.0	Research re stay issues (Coroner's office has not filed notice of appeal or Motion for stay); consider related strategy to obtain documents; direct Ms. Shell re further research.	\$ 450.00	\$ 450.00
11/29/2017	Margaret McLetchie	1.0	Review time entries and billing for accuracy and inclusion in Motion for Attorney's Fees and Costs.	\$ 450.00	\$ 450.00
11/29/2017	Margaret McLetchie	2.0	Work on Motion for Attorney's Fees and Costs.	\$ 450.00	\$ 900.00
12/6/2017	Margaret McLetchie	2.6	Attention to revising draft opposition to Motion to stay. Respond to and address client questions re same. Address client comments.	\$ 450.00	\$ 1,170.00
12/6/2017	Margaret McLetchie	0.2	Further attention to stay, Motion to expedite strategy. Emails with client.	\$ 450.00	\$ 90.00
12/6/2017	Margaret McLetchie	0.9	Finalize Opposition to Motion to Stay; revise to address comments from client.	\$ 450.00	\$ 405.00
12/6/2017	Margaret McLetchie	0.6	Review notice of appeal. Consider case strategy, including possible Motion to expedite.	\$ 450.00	\$ 270.00
12/8/2017	Margaret McLetchie	0.2	Review notice of assignment to settlement program; Email to Ms. Rehfeldt re due date for settlement briefs and extending same until after premediation conference call.	\$ 450.00	\$ 90.00
12/11/2017	Margaret McLetchie	0.3	Call with Laura Rehfeldt and to chambers re hearing schedule for 12/12. (.2) Email to clients re hearing scheduling. (.1)	\$ 450.00	\$ 135.00
12/11/2017	Margaret McLetchie	1.8	Communication with client. Prepare for hearing on Motion to Stay.	\$ 450.00	\$ 810.00
12/11/2017	Margaret McLetchie	0.2	Call with Laura Rehfeldt and to settlement judge re settlement briefs; email to file memorializing same.	\$ 450.00	\$ 90.00
12/12/2017	Margaret McLetchie	1.7	Prepare for and attend hearing on Coroner's Motion for Stay.	\$ 450.00	\$ 765.00
12/12/2017	Margaret McLetchie	0.2	APPEAL: Review and respond to email re pre-mediation telephone conference explaining case status and reasons why not appropriate for settlement.	\$ 450.00	\$ 90.00
12/14/2017	Margaret McLetchie	0.3	Review Coroner's draft proposed Order granting stay, and provide input re same.	\$ 450.00	\$ 135.00
12/15/2017	Margaret McLetchie	0.5	APPEAL: Revise and edit Motion to Expedite Appeal.	\$ 450.00	\$ 225.00
12/21/2017	Margaret McLetchie	0.2	Attention to execution of joint proposed Order on Motion to Stay; correct error in firm name.	\$ 450.00	\$ 90.00
12/21/2017	Margaret McLetchie	2.0	Confer with Ms. Shell re Opposition to Motion for Attorney's Fees and addressing arguments made by Coroner's Office.	\$ 450.00	\$ 900.00
12/27/2017	Margaret McLetchie	1.1	APPEAL: edit draft reply in support of Motion to Expedite Appeal. Circulate to clients. Direct finalization.	\$ 450.00	\$ 495.00
1/4/2018	Margaret McLetchie	0.4	Prepare and attend call with settlement judge; update team re next steps.	\$ 450.00	\$ 180.00
1/4/2018	Margaret McLetchie	1.8	Revise reply in support of Motion for aAttorney's Fees and Costs.	\$ 450.00	\$ 810.00
1/10/2018	Margaret McLetchie	0.8	Prepare for hearing on Motion for Attorney's Fees and Costs.	\$ 450.00	\$ 360.00

1/11/2018	Margaret McLetchie	2.5	Prepare for and attend hearing on Motion for Attorney's Fees and Costs. Update clients re same, plan next steps (drafting of Order).	\$ 450.00	\$ 1,125.00
1/17/2018	Margaret McLetchie	1.1	Attention to revising proposed Order on Motion for Attorney's Fees and Costs.	\$ 450.00	\$ 495.00
1/18/2018	Margaret McLetchie	0.6	Follow up re submission of Order on Motion for Attorney's Fees and Costs.	\$ 450.00	\$ 270.00
1/18/2018	Margaret McLetchie	0.2	Review Order on Motion to Expedite Appeal and confer with Ms. Burchfield re calendaring.	\$ 450.00	\$ 90.00
1/19/2018	Margaret McLetchie	0.4	Attention to submission of proposed Order granting Motion for Attorney's Fees and Costs. Letter to Judge Crockett's chambers.	\$ 450.00	\$ 180.00
2/2/2018	Margaret McLetchie	1.2	Review and assess Motion for Stay of Order granting Motion for Attorney's Fees and Costs filed in district court; circulate to clients.	\$ 450.00	\$ 540.00
2/12/2018	Margaret McLetchie	1.4	Attention to opposition to Motion for Stay of order granting Motion for Attorney's Fees and Costs.	\$ 450.00	\$ 630.00
2/13/2018	Margaret McLetchie	2.7	Finalize opposition to Motion for Stay of Order granting Motion for Attorney's Fees and Costs.	\$ 450.00	\$ 1,215.00
2/15/2018	Margaret McLetchie	3.7	Prepare for and attend hearing on Motion for Stay of Order granting Motion for Attorney's Fees and Costs.	\$ 450.00	\$ 1,665.00
2/20/2018	Margaret McLetchie	0.2	APPEAL: Email to settlement judge re possible settlement conference (not appropriate for mediation) to avoid unnecessary fees.	\$ 450.00	\$ 90.00
2/26/2018	Margaret McLetchie	1.2	Attention to Order denying Motion for Stay of Order on Motion for Attorney's Fees and Costs.	\$ 450.00	\$ 540.00
2/27/2018	Margaret McLetchie	0.5	Continued attention to Order Denying Motion for Stay of Order granting Motion for Attorney's Fees and Costs.	\$ 450.00	\$ 225.00
2/28/2018	Margaret McLetchie	0.4	Continued attention to Order denying Motion for Stay of Order granting Motion for Attorney's Fees and Costs.	\$ 450.00	\$ 180.00
3/6/2018	Margaret McLetchie	0.1	Emails with chambers recorder for pick up.	\$ 450.00	\$ 45.00
3/7/2018	Margaret McLetchie	0.3	Attention to issues regarding stay, coroner's apparent plan to appeal denial of same. Review Notice of Entry of Order.	\$ 450.00	\$ 135.00
3/8/2018	Margaret McLetchie	0.1	APPEAL: Review and respond to email regarding appendices.	\$ 450.00	\$ 45.00
3/8/2018	Margaret McLetchie	0.1	FEES APPEAL: Review and respond to email regarding appendices.	\$ 450.00	\$ 45.00
3/8/2018	Margaret McLetchie	1.0	FEES APPEAL: Attention to Motion for Stay filed by coroner's office.	\$ 450.00	\$ 450.00
3/13/2018	Margaret McLetchie	1.0	APPEAL: Attention to Opposition to Motion for Stay.	\$ 450.00	\$ 450.00
3/15/2018	Margaret McLetchie	0.4	APPEAL: Revision to Opposition to Motion to Stay. Direction to Ms. Shell regarding same.	\$ 450.00	\$ 180.00
3/16/2018	Margaret McLetchie	0.3	APPEAL: Continued attention to Opposition to stay and emails to team regarding same.	\$ 450.00	\$ 135.00
3/16/2018	Margaret McLetchie	1.0	APPEAL: Opposition to Motion to Consolidate.	\$ 450.00	\$ 450.00
3/19/2018	Margaret McLetchie	0.6	APPEAL: Review and revise Opposition to Motion to Consolidate.	\$ 450.00	\$ 270.00
3/28/2018	Margaret McLetchie	0.2	APPEAL: Confer with client regarding possible Reporters Committee for Freedom of the Press ("RCFP") amicus brief in the case.	\$ 450.00	\$ 90.00
4/12/2018	Margaret McLetchie	1.1	FEES APPEAL: Review Order regarding Stay of Fees Award, Consider possible petition for rehearing and Confer with team regarding same.	\$ 450.00	\$ 495.00
4/16/2018	Margaret McLetchie	0.3	FEES APPEAL: Attention to Petition for Rehearing; Direct Ms. Shell regarding strategy regarding same.	\$ 450.00	\$ 135.00
4/17/2018	Margaret McLetchie	0.8	FEES APPEAL: Revise Petition for Rehearing and confer with Ms. Shell regarding same.	\$ 450.00	\$ 360.00
4/18/2018	Margaret McLetchie	0.5	FEES APPEAL: Revise Petition for Rehearing and circulate.	\$ 450.00	\$ 225.00
4/19/2018	Margaret McLetchie	0.5	FEES APPEAL: Perform research and provide to Ms. Shell for inclusion in Motion to Reconsider.	\$ 450.00	\$ 225.00
7/24/2018	Margaret McLetchie	0.4	APPEAL: Plan strategy on appeal.	\$ 450.00	\$ 180.00
7/31/2018	Margaret McLetchie	0.2	APPEAL: Continue appellate planning.	\$ 450.00	\$ 90.00
8/7/2018	Margaret McLetchie	0.3	APPEAL: Email conferences with client and with RCFP regarding Amicus Brief.	\$ 450.00	\$ 135.00
8/9/2018	Margaret McLetchie	0.3	APPEAL: Attention to Amicus Brief. Email with client regarding status.	\$ 450.00	\$ 135.00
8/10/2018	Margaret McLetchie	5.4	APPEAL: Work on Answering Brief. Review opening brief and meet with Ms. Shell.	\$ 450.00	\$ 2,430.00
8/12/2018	Margaret McLetchie	6.2	APPEAL: Revise draft of Answering Brief.	\$ 450.00	\$ 2,790.00
8/13/2018	Margaret McLetchie	5.0	APPEAL: Work on revising and finalizing Answering Brief; culcate draft Brief to client.	\$ 450.00	\$ 2,250.00
8/16/2018	Margaret McLetchie	0.1	FEES APPEAL: Attention to Motion for Extension of deadlines.	\$ 450.00	\$ 45.00
8/17/2018	Margaret McLetchie	0.2	FEES APPEAL: Emails with opposing counsel re extension and attention to finalizing same.	\$ 450.00	\$ 90.00
8/21/2018	Margaret McLetchie	0.8	APPEAL: Review and analyze Amicus Brief file by RCFP and provide to client with comment. Email local counsel for RCFP.	\$ 450.00	\$ 360.00
8/23/2018	Margaret McLetchie	2.3	FEES APPEAL: Review Coroner's brief and work on answering brief. Identify and analyze legal issues. Assign research.	\$ 450.00	\$ 1,035.00
8/27/2018	Margaret McLetchie	3.0	FEE APPEAL: Attention to work on and drafting of answering Answering Brief.	\$ 450.00	\$ 1,350.00
9/5/2018	Margaret McLetchie	0.2	Email with Mr. Kane re Coroner's current practices re autopsies.	\$ 450.00	\$ 90.00
9/5/2018	Margaret McLetchie	3.1	APPEAL: Revise and shorten Answering Brief; Direct Ms. Shell and Ms. Burchfeild re filing same. Approve filing.	\$ 450.00	\$ 1,395.00
9/17/2018	Margaret McLetchie	0.4	FEES APPEAL: Attention to Unopposed Motion for Attorney's Fees and Costs.	\$ 450.00	\$ 180.00

9/25/2018	Margaret McLetchie	0.5	APPEAL: Review Opposition to Reporter's Committee for Freedom Motion for Leave to file Amicus Brief. Edit Opposition to Motion to Strike.	\$ 450.00	\$ 225.00
10/18/2018	Margaret McLetchie	7.9	FEES APPEAL: Revise sections of legal argument responding to Coroner's arguments; Research cases cited by Coroner from other jurisdictions and determine how to distinguish; develop arguments regarding why we are entitled to fees regardless of outcome of matter direct work on revising and editings other sections by team.	\$ 450.00	\$ 3,555.00
10/19/2018	Margaret McLetchie	2.3	FEES APPEAL: Draft sections regarding entitlement to fees; Revise and continued drafting section regarding why Coroner acted in bad faith, using cases cited by Coroner.	\$ 450.00	\$ 1,035.00
10/25/2018	Margaret McLetchie	0.3	APPEAL: Revise notice of Supplemental Authorities.	\$ 450.00	\$ 135.00
12/4/2018	Margaret McLetchie	0.4	APPEAL: Emails with client re possible factual inaccuracies in Reply Brief and possible issues to raise in Answering Brief. Analyze same and direct Ms. Shell re work on same.	\$ 450.00	\$ 180.00
12/21/2018	Margaret McLetchie	0.4	APPEAL: Revise sur-reply. [REDUCED ENTRY.]	\$ 450.00	\$ 180.00
1/23/2019	Margaret McLetchie	0.4	APPEAL: Revise Reply in Support of Motion to File Surreply/Provide to Mr. Lipman for input.	\$ 450.00	\$ 180.00
4/5/2019	Margaret McLetchie	0.2	APPEAL: Review filing.	\$ 450.00	\$ 90.00
5/1/2019	Margaret McLetchie	0.1	APPEAL and FEES APPEAL: Review Order.	\$ 450.00	\$ 45.00
5/8/2019	Margaret McLetchie	0.1	APPEAL and FEES APPEAL: Review Motion to continue. Emails re same. [REDUCED ENTRY.]	\$ 450.00	\$ 45.00
5/14/2019	Margaret McLetchie	0.1	APPEAL: Review Order re rescheduling hearing. Update to client re same.	\$ 450.00	\$ 45.00
5/15/2019	Margaret McLetchie	0.2	APPEAL and FEES APPEAL: Review Order; attention to scheduling re hearing on appeal.	\$ 450.00	\$ 90.00
5/16/2019	Margaret McLetchie	0.3	APPEAL and FEES APPEAL: Revise Motion to continue.	\$ 450.00	\$ 135.00
5/29/2019	Margaret McLetchie	0.1	APPEAL and FEES APPEAL: Confer with paralegal re status of unopposed Motion; direct her to follow up with Court.	\$ 450.00	\$ 45.00
5/30/2019	Margaret McLetchie	0.2	APPEAL and FEES APPEAL: Review Order re continuing oral argument.	\$ 450.00	\$ 90.00
7/1/2019	Margaret McLetchie	0.1	Email with Mr. Lipman re case status.	\$ 450.00	\$ 45.00
8/26/2019	Margaret McLetchie	0.2	Review notice re scheduling oral arg. Check date. Direct paralegal to update Mr. Lipman.	\$ 450.00	\$ 90.00
9/23/2019	Margaret McLetchie	0.3	APPEAL: Review Appellant's Notice of Supplemental Authority.	\$ 450.00	\$ 135.00
9/30/2019	Margaret McLetchie	0.2	APPEAL and FEES APPEAL: Attention to notice of appearance.	\$ 450.00	\$ 90.00
10/2/2019	Margaret McLetchie	0.2	FEES APPEAL: Attention to notice of supplemental authority.	\$ 450.00	\$ 90.00
10/4/2019	Margaret McLetchie	8.4	APPEAL and FEES APPEAL: Oral argument preparation.	\$ 450.00	\$ 3,780.00
10/6/2019	Margaret McLetchie	6.9	APPEAL and FEES APPEAL: Continue oral argument prep.	\$ 450.00	\$ 3,105.00
10/7/2019	Margaret McLetchie	8.1	APPEAL and FEES APPEAL: Oral argument preparation and attendance.	\$ 450.00	\$ 3,645.00
		110.6	Totals for Margaret A. McLetchie (2017-2019)	\$ 49,770.00	
1/23/2020	Margaret McLetchie	0.1	APPEAL: Review filing.	\$ 500.00	\$ 50.00
2/26/2020	Margaret McLetchie	0.1	APPEAL: Update to client re decision being issued 2/27.	\$ 500.00	\$ 50.00
2/26/2020	Margaret McLetchie	0.2	APPEAL: Update to client re pending decision.	\$ 500.00	\$ 100.00
2/27/2020	Margaret McLetchie	2.0	APPEAL: Review/analyze opinion. Emails to clients re same. Consider possible next steps. Email re who is lead counsel for Coroner. Confer with Mr. Lipman re case.	\$ 500.00	\$ 1,000.00
3/27/2020	Margaret McLetchie	0.1	Review Remittitur.	\$ 500.00	\$ 50.00
4/30/2020	Margaret McLetchie	0.3	Draft letter to opposing counsel re scheduling matters.	\$ 500.00	\$ 150.00
4/30/2020	Margaret McLetchie	0.5	Plan strategy in case. Email to Mr. Lipman re same.	\$ 500.00	\$ 250.00
5/5/2020	Margaret McLetchie	0.7	Prepare for and attend call with Mr. Lipman. Draft letter to opposing counsel.	\$ 500.00	\$ 350.00
5/5/2020	Margaret McLetchie	1.1	Begin compiling arguments/ examples.	\$ 500.00	\$ 550.00
5/6/2020	Margaret McLetchie	0.4	Review emails received from Mr. Lipman.	\$ 500.00	\$ 200.00
5/7/2020	Margaret McLetchie	3.0	Review examples. Work with Ms. Shell on chart compiling examples.	\$ 500.00	\$ 1,500.00
5/8/2020	Margaret McLetchie	2.2	Prepare for and attend call with Mr. Lipman. Further emails re examples, next steps.	\$ 500.00	\$ 1,100.00
5/11/2020	Margaret McLetchie	4.0	Work on review of prior briefs, compiling examples.	\$ 500.00	\$ 2,000.00
5/14/2020	Margaret McLetchie	0.5	Call with Mr. Lipman.	\$ 500.00	\$ 250.00
5/26/2020	Margaret McLetchie	0.2	Attention to Stipulation and Order re Briefing Schedule.	\$ 500.00	\$ 100.00
6/1/2020	Margaret McLetchie	0.3	Review information re public interest in autopsies. Emails with client re same.	\$ 500.00	\$ 150.00
6/2/2020	Margaret McLetchie	0.1	Review Order / briefing schedule.	\$ 500.00	\$ 50.00
7/17/2020	Margaret McLetchie	0.2	Attention to stipulation re briefing schedule.	\$ 500.00	\$ 100.00
8/10/2020	Margaret McLetchie	2.0	Review initial draft of coroner brief prepared by Ms. Shell and propose restructuring re same.	\$ 500.00	\$ 1,000.00
8/13/2020	Margaret McLetchie	3.8	Revise and expand opening brief. Re-review Supreme Court decision and revise introduction/ reorganize accordingly. Consider how to best use to our benefit/ limit ability of Coroner to use declaration.	\$ 500.00	\$ 1,900.00
8/14/2020	Margaret McLetchie	6.8	Revise and expand opening brief. Attention to legal standard. Expand factual discussion what is included in chart, redacted samples. Expand / additions re examples of why reports should be provided. Email to client re status of draft.	\$ 500.00	\$ 3,400.00

8/15/2020	Margaret McLetchie	4.2	Continue drafting and research re Opening Brief. Review child welfare agency public disclosure form. Further review of sample redacted autopsy reports. Complete draft and send to Mr. Wolpert to proofread.	\$ 500.00	\$ 2,100.00
8/16/2020	Margaret McLetchie	1.8	Finish initial draft of Opening Brief to send to Mr. Lipman.	\$ 500.00	\$ 900.00
8/23/2020	Margaret McLetchie	0.2	Confer with Ms. Shell re expanding opening brief.	\$ 500.00	\$ 100.00
8/24/2020	Margaret McLetchie	1.0	Revise second version to send to Mr. Lipman - send back to Ms. Shell to identify citations etc. and address various comments. Confer with Ms. Shell re same.	\$ 500.00	\$ 500.00
8/26/2020	Margaret McLetchie	2.3	Opening Brief on remand: Attention to addressing edits from Mr. Lipman and proofreading. Revise intro and review further edits from Ms. Shell; emails and call with Mr. Lipman re brief; send latest draft to Mr. Lipman.	\$ 500.00	\$ 1,150.00
8/27/2020	Margaret McLetchie	1.8	Review further edits from Mr. Lipman and confer with Ms. Shell re same/ finalizing. Consider equal protection issue. Confer with Ms. Shell and Ms. Burchfield re finalizing brief. Review/ edit prefinal version.	\$ 500.00	\$ 900.00
9/23/2020	Margaret McLetchie	0.1	Attention to request from Ms. Nichols re extension.	\$ 500.00	\$ 50.00
10/7/2020	Margaret McLetchie	0.9	Preliminary review and analysis of Coroner's brief.	\$ 500.00	\$ 450.00
10/15/2020	Margaret McLetchie	0.5	Confer with Ms. Shell re extraordinary use argument.	\$ 500.00	\$ 250.00
10/16/2020	Margaret McLetchie	0.1	Update email to client.	\$ 500.00	\$ 50.00
10/19/2020	Margaret McLetchie	1.3	Revise and send client draft of reply.	\$ 500.00	\$ 650.00
10/22/2020	Margaret McLetchie	1.6	Attention to further revisions to reply; further research re immediate repeal. Emails with Mr. Lipman.	\$ 500.00	\$ 800.00
10/23/2020	Margaret McLetchie	0.2	Attention to docket discrepancy re 10/29/2020 hearing.	\$ 500.00	\$ 100.00
10/26/2020	Margaret McLetchie	1.4	Begin hearing preparation. Review binders.	\$ 500.00	\$ 700.00
10/27/2020	Margaret McLetchie	0.1	Review correspondence from opposing counsel's office to chambers. Direct paralegal to follow up with chambers re whether email courtesy copies are needed, Blue Jeans info.	\$ 500.00	\$ 50.00
10/28/2020	Margaret McLetchie	2.3	Hearing preparation.	\$ 500.00	\$ 1,150.00
10/29/2020	Margaret McLetchie	4.2	Hearing (prepare and attend). Emails and other calls with client. Direct paralegal re obtaining transcript on expedited basis.	\$ 500.00	\$ 2,100.00
10/30/2020	Margaret McLetchie	0.5	Preparation work for Motion for Attorney's Fees and Costs. Review last filing.	\$ 500.00	\$ 250.00
11/4/2020	Margaret McLetchie	0.2	Emails re obtaining transcript.	\$ 500.00	\$ 100.00
11/5/2020	Margaret McLetchie	0.7	Review transcript.	\$ 500.00	\$ 350.00
11/12/2020	Margaret McLetchie	1.8	Edit draft to send to client. Address client's edits and send to Ms. Shell for polishing and finalization.	\$ 500.00	\$ 900.00
11/13/2020	Margaret McLetchie	0.2	Approve final draft Order to send to Ms. Nichols.	\$ 500.00	\$ 100.00
11/17/2020	Margaret McLetchie	0.1	Emails re Ms. Nichols' request for more time to submit proposed Order.	\$ 500.00	\$ 50.00
11/18/2020	Margaret McLetchie	0.8	Assess proposed changes from Ms. Nichols. Edit final proposed Order/ approve same.	\$ 500.00	\$ 400.00
11/19/2020	Margaret McLetchie	0.2	Confer with paralegal re status of Order.	\$ 500.00	\$ 100.00
11/19/2020	Margaret McLetchie	0.2	Review emails with chambers re competing proposed Orders.	\$ 500.00	\$ 100.00
11/20/2020	Margaret McLetchie	1.5	Review Coroner's Motion to Stay and filings re same. Email conference with Ms. Burchfield re deadlines re same and those triggered by notice of entry of Order.	\$ 500.00	\$ 750.00
11/20/2020	Margaret McLetchie	0.2	Review/ approve Notice of Entry of Order.	\$ 500.00	\$ 100.00
11/21/2020	Margaret McLetchie	0.5	Review sample successful opposition to Motion to stay from 1 October NPRA litigation against Las Vegas Metropolitan Police Department.	\$ 500.00	\$ 250.00
11/22/2020	Margaret McLetchie	7.6	Research and draft opposition to Motion to stay. Review successful similar oppositions in 1 October case. Research legal standard. Review Order. Consider abuse of discretion issue. Draft legal standard and introduction sections and begin drafting sections re factors.	\$ 500.00	\$ 3,800.00
11/23/2020	Margaret McLetchie	5.9	Continue drafting and refining opposition to Motion to stay. Incorporate AS edits and her rewrite of my skeletal "defeat purpose of appeal" section. Expand / draft section addressign procedural and related issues re delay vs no appeal filed. Further research pertinent to stay. Expand likelihood of success section to address Hansen argument. Complete initial draft to send to Mr. Lipman. Review/ consider experience re stay in initial litigation in this case and in 1 October.	\$ 500.00	\$ 2,950.00
11/24/2020	Margaret McLetchie	0.2	Edit NPRA request re fees paid to Marquis Aurbach Coffing prepared by paralegal.	\$ 500.00	\$ 100.00
11/25/2020	Margaret McLetchie	1.0	Call with Mr. Lipman. Begin revising opposition to Motion to stay accordingly.	\$ 500.00	\$ 500.00
11/25/2020	Margaret McLetchie	0.2	Emails with Ms. Miller and counsel for Coroner re communications with Board of County Commissioners.	\$ 500.00	\$ 100.00
11/25/2020	Margaret McLetchie	0.2	Research/ check records re amounts paid to Marquis Aurbach Coffing by County.	\$ 500.00	\$ 100.00
11/25/2020	Margaret McLetchie	0.2	Attention to Opposition to Motion to Stay logistic; confer with Ms. Ambro re same.	\$ 500.00	\$ 100.00
11/29/2020	Margaret McLetchie	3.6	Revise introduction, procedural history, and legal standard sections of Motion to stay and send revised draft to Mr. Lipman for his review & consideration.	\$ 500.00	\$ 1,800.00
11/30/2020	Margaret McLetchie	4.2	Opposition to Coroner's Motion to Stay on Order Shortening Time final edits; confer with client. Attention to case strategy and planning. Review Board of County Commissioners agenda.	\$ 500.00	\$ 2,100.00
12/1/2020	Margaret McLetchie	1.5	Board of County Commissioners hearing - monitor; next steps. Emails re whether Coroner has / will provide reports in at least redacted form.	\$ 500.00	\$ 750.00
12/1/2020	Margaret McLetchie	0.2	Emails with Mr. Lipman.	\$ 500.00	\$ 100.00

12/1/2020	Margaret McLetchie	1.1	Attention to case strategy, next steps re getting as much information as possible to client as soon as possible. Confer with client. Email to Ms. Nichols requesting redacted version after reviewing transcript.	\$ 500.00	\$ 550.00
12/1/2020	Margaret McLetchie	0.2	Check Coroner's appellate deadline.	\$ 500.00	\$ 100.00
12/1/2020	Margaret McLetchie	0.2	Plan work on Motion for Attorney's Fees and Costs and confer with Mr. Wolpert re same.	\$ 500.00	\$ 100.00
12/2/2020	Margaret McLetchie	0.2	Confirm time / date for Stay hearing with paralegal and client.	\$ 500.00	\$ 100.00
12/2/2020	Margaret McLetchie	0.1	Follow up with Ms. Nichols re request re redacted copies of report.	\$ 500.00	\$ 50.00
12/3/2020	Margaret McLetchie	0.8	Preliminary research re possible Order to Show Cause. Consider issues re same.	\$ 500.00	\$ 400.00
12/3/2020	Margaret McLetchie	0.2	Review fees information re payments to Marquis Aurbach Coffing provided by Coroner. Emails with Ms. Ambro re same.	\$ 500.00	\$ 100.00
12/3/2020	Margaret McLetchie	0.2	Confer with Mr. Wolpert re work on Motion for Attorney's Fees and Costs.	\$ 500.00	\$ 100.00
12/3/2020	Margaret McLetchie	0.2	Emails with client.	\$ 500.00	\$ 100.00
12/4/2020	Margaret McLetchie	0.4	Confirm plans re Order to Show Cause. Confer with Mr. Wolpert re Motion for Attorney's Fees and Costs.	\$ 500.00	\$ 200.00
12/4/2020	Margaret McLetchie	1.6	Confer with Ms. Shell and Mr. Wolpert re strategy, plans re Motion for Attorney's Fees and Costs. Review preliminary draft and provide feedback/direct Mr. Wolpert re factual/procedural history to add. Approve final draft to send to client of substantive sections re brief.	\$ 500.00	\$ 800.00
12/6/2020	Margaret McLetchie	0.3	Direct work re research re Order to Show Cause and Order shortening time.	\$ 500.00	\$ 150.00
12/7/2020	Margaret McLetchie	0.4	Review reply in support of Motion to stay filed by Coroner.	\$ 500.00	\$ 200.00
12/7/2020	Margaret McLetchie	4.6	Research re interplay between Order to Show Cause and stay. Direct work and make edits to draft; break up argument section into separate section. Emails with client. Review client edits; coordinate finalization of Order to Show Cause/ perform final substantive review before finalization.	\$ 500.00	\$ 2,300.00
12/7/2020	Margaret McLetchie	0.1	Hearing logistics re 12/10/2020 Motion to stay; review hearing notice.	\$ 500.00	\$ 50.00
12/8/2020	Margaret McLetchie	0.6	Attention to substantive edits to fees app/ finalization of same (minus fees / rate detail). Confer with Mr. Lipman re his proposed edits and next steps.	\$ 500.00	\$ 300.00
12/8/2020	Margaret McLetchie	0.2	Review courtesy copy email from opposing counsel's office re Motion to stay.	\$ 500.00	\$ 100.00
12/8/2020	Margaret McLetchie	0.2	Review Order to Show Cause on Order shortening time Order. Plan accordingly. Direct paralegal to update client.	\$ 500.00	\$ 100.00
12/9/2020	Margaret McLetchie	0.2	Attention to hearing preparation binder. Ensure clients have call-in information.	\$ 500.00	\$ 100.00
12/9/2020	Margaret McLetchie	0.2	Attention to fees application. Confer with Ms. Burchfield re same.	\$ 500.00	\$ 100.00
12/9/2020	Margaret McLetchie	2.3	Review and analyze opposition to Order to Show Cause. Direct research re same. Confer with client. Further preparation for 12/10/2020 hearings.	\$ 500.00	\$ 1,150.00
12/10/2020	Margaret McLetchie	6.2	Prepare for and attend hearing on Motion to Stay, Order to Show Cause. Review related research provided by Ms. Shell and Mr. Wolpert. Calls with client. Update paralegal re outcome, calendaring next steps, Ordering transcript.	\$ 500.00	\$ 3,100.00
12/10/2020	Margaret McLetchie	1.6	Work on Motion for Attorney's Fees and Costs, memorandum of costs.	\$ 500.00	\$ 800.00
12/11/2020	Margaret McLetchie	3.1	Work on Motion for Attorney's Fees with paralegals. Review all time and costs and finalize Declaration.	\$ 500.00	\$ 1,550.00
12/11/2020	Margaret McLetchie	1.0	Planning regarding Clark County Board of County Commissioners BCC hearing.	\$ 500.00	\$ 500.00
12/14/2020	Margaret McLetchie	1.0	Attention to scheduling re hearing on Motion for Attorney's Fees and Costs. Attention to BCC issues. Call with Mr. Lipman.	\$ 500.00	\$ 500.00
12/15/2020	Margaret McLetchie	3.1	Review transcript. County hearing. Attention to preparing for anticipated Emergency Motion to Stay.	\$ 500.00	\$ 1,550.00
12/17/2020	Margaret McLetchie	1.0	Attention to Order granting petition.	\$ 500.00	\$ 500.00
12/17/2020	Margaret McLetchie	0.3	APPEAL: Review Emergency Motion for Stay.	\$ 500.00	\$ 150.00
12/18/2020	Margaret McLetchie	1.2	Attention to revisions to Order Denying stay; address client edits.	\$ 500.00	\$ 600.00
12/21/2020	Margaret McLetchie	4.2	APPEAL: Finalize first draft of response to emergency petition (and attention to cutting down) and send to Mr. Lipman for review.	\$ 500.00	\$ 2,100.00
12/22/2020	Margaret McLetchie	0.6	Review Ms. Nichols' edits to Order denyin Motion to Stay.	\$ 500.00	\$ 300.00
12/23/2020	Margaret McLetchie	0.1	Follow up with Ms. Nichols re her work on Order to Show Cause Order/ status of same.	\$ 500.00	\$ 50.00
12/23/2020	Margaret McLetchie	2.6	APPEAL: Attention to work on substantive revisions to Response to Emergency Motion for Stay and addressing edits from Mr. Lipman.	\$ 500.00	\$ 1,300.00
12/24/2020	Margaret McLetchie	1.5	APPEAL: Revisions to Response to Emergency Motion to Stay/ address further client edits and proof, and confirm related filings with team. Review final Order and direct team to include as exhibit to Response.	\$ 500.00	\$ 750.00
12/28/2020	Margaret McLetchie	0.2	Update to client. Attention to plan re work on proposed Orders.	\$ 500.00	\$ 100.00
12/29/2020	Margaret McLetchie	4.3	Review Supreme Court's denial of a stay. Related procedural research. Update client. Confer with client. Emails to opposing counsel re obtaining records. Updates to client. Review petition for rehearing and confer with Ms. Shell re same/ prepare for next steps.	\$ 500.00	\$ 2,150.00
12/30/2020	Margaret McLetchie	4.3	APPEAL: Continue review of petition for rehearing. Attention to Order on Order to Show Cause. Work with Ms. Shell on response to petition; review and begin revising draft. Calls with client. Review decision denying petition and circulate to client. Plan work on Order to Show Cause if needed.	\$ 500.00	\$ 2,150.00

12/31/2020	Margaret McLetchie	3.2	Email to opposing counsel demanding records. Call with client. Plan work re possible Order to Show Cause. Confer with client. Attention to logistics re obtaining records. Review correspondence from Ms. Rehfeldt. Review Motion to voluntarily dismiss appeal.	\$ 500.00	\$ 1,600.00
1/4/2021	Margaret McLetchie	0.2	Emails re supplemental requests.	\$ 500.00	\$ 100.00
1/6/2021	Margaret McLetchie	0.1	Follow up re proposed stipulation / process to streamline briefing on Motion for Attorney's Fees and Costs, supplement re same.	\$ 500.00	\$ 50.00
1/11/2021	Margaret McLetchie	0.3	Emails with Ms. Nichols re amending Motion, my efforts to make briefing more efficient. Plan work accordingly. Update to client.	\$ 500.00	\$ 150.00
1/12/2021	Margaret McLetchie	0.1	Review and consider notice of reassignment.	\$ 500.00	\$ 50.00
1/12/2021	Margaret McLetchie	0.1	APPEAL: Review Order Dismissing Appeal.	\$ 500.00	\$ 50.00
1/14/2021	Margaret McLetchie	0.3	Revise stip. Emails to Ms. Nichols re same.	\$ 500.00	\$ 150.00
1/14/2021	Margaret McLetchie	1.0	Confer with Mr. Wolpert re work on Motion for Attorney's Fees and Costs reply and/or amended Motion - supplement. Confer with Ms. Shell re related research re fees on appeal and review / provide feedback re same. Revise stipulation to address concerns expressed by Ms. Nichols. Send to client, then Ms. Nichols and follow up with her re same.	\$ 500.00	\$ 500.00
1/15/2021	Margaret McLetchie	0.2	Attention to stip re Amended Motion for Attorney's Fees and Costs. [Reduced Entry.]	\$ 500.00	\$ 100.00
1/21/2021	Margaret McLetchie	0.2	Follow up re stipulation; confer with paralegal re same. [Reduced Entry.]	\$ 500.00	\$ 100.00
1/22/2021	Margaret McLetchie	0.1	Review message from paralegal re 1/27 hearing.	\$ 500.00	\$ 50.00
1/26/2021	Margaret McLetchie	0.2	Provide Mr. Wolpert with direction re Motion for Attorney's Fees and Costs.	\$ 500.00	\$ 100.00
1/26/2021	Margaret McLetchie	0.1	Follow up re hearing.	\$ 500.00	\$ 50.00
1/27/2021	Margaret McLetchie	0.1	Check re hearing / stipulation. [Reduced Entry.]	\$ 500.00	\$ 50.00
1/29/2021	Margaret McLetchie	0.4	Revisions to Consolidated Motion for Attorney's Fees and Costs; send first draft to client for review.	\$ 500.00	\$ 200.00
2/1/2021	Margaret McLetchie	0.5	Review revised Consolidated Motion for Attorney's Fees and Costs addressing client edits and send to Mr. Lipman for further review.	\$ 500.00	\$ 250.00
2/2/2021	Margaret McLetchie	3.0	Review further revised consolidated motion for attorney's fees and costs addressing further client edits and send to Mr. Lipman for review. Work on fee detail.	\$ 500.00	\$ 1,500.00
		145.0	Totals for Margaret A. McLetchie (2020-2021)	\$	72,500.00
		255.6	Grand Total for Margaret A. McLetchie	\$	122,270.00
11/9/2017	Pharan Burchfield	0.3	File Order Granting Petitioner LVRJ's Public Records Act Application Pursuant to Nev. Rev. Stat. 239.001/ Petition for Writ of Mandamus; draft, file, and serve/mail Notice of Entry of Order re same; email clients file-stamped copy re same; and calendar deadlines triggered by filing as appropriate.	\$ 150.00	\$ 45.00
11/29/2017	Pharan Burchfield	2.2	Prepare Ms. McLetchie's declaration and exhibits; finalize Motion for Attorney's Fees and Costs and file and serve/mail all re same.	\$ 150.00	\$ 330.00
11/30/2017	Pharan Burchfield	0.1	Download, save, and review file-stamped copy of Motion for Attorney's Fees and Costs; calendar appropriately.	\$ 150.00	\$ 15.00
11/30/2017	Pharan Burchfield	0.1	Email file-stamped copy of Petitioner's Motion for Attorney's Fees and Costs to clients for review/records.	\$ 150.00	\$ 15.00
12/5/2017	Pharan Burchfield	0.1	Circulate/email draft of Opposition to Motion for Stay to clients for review.	\$ 150.00	\$ 15.00
12/6/2017	Pharan Burchfield	0.4	Incorporate final edits, file and serve/mail Petitioner Las Vegas Review-Journal's Opposition to Motion for Stay of District Court Order and Order Shortening Time.	\$ 150.00	\$ 60.00
12/6/2017	Pharan Burchfield	0.1	Download and review Notice of Appeal; create hard-copy, electronic and time-keeping files re same. Calendar as appropriate. Check Nevada Supreme Court website to confirm deadlines re same.	\$ 150.00	\$ 15.00
12/7/2017	Pharan Burchfield	0.2	Download, save, and review Notice of Assignment to NRAP 16 Settlement Program. Calendar as appropriate. Add Settlement Judge Israel Kunin's contact information into system; check for conflicts re same.	\$ 150.00	\$ 30.00
12/15/2017	Pharan Burchfield	0.3	APPEAL: Prepare for filing Motion to Expedite Appeal (and exhibit); file and serve re same. Email clients file-stamped copy re same. Calendar response deadlines accordingly.	\$ 150.00	\$ 45.00
12/20/2017	Pharan Burchfield	0.2	APPEAL: Send/mail Settlement Judge a file-stamped copy of the Motion to Expedite Appeal; draft, file, and serve/mail an Amended Certificate of Service re same.	\$ 150.00	\$ 30.00
12/27/2017	Pharan Burchfield	0.5	APPEAL: Draft and finalize Motion for Excess Pages re Reply to Expedite Appeal; finalize, file and serve/mail Reply to Opposition to Motion to Expedite Appeal.	\$ 150.00	\$ 75.00
12/28/2017	Pharan Burchfield	0.1	APPEAL: Email file-stamped copies of Motion for Excess Pages re Reply in support of Motion to Expedite Appeal; finalize, file and serve/mail Reply to Opposition to Motion to Expedite Appeal and Docketing Statement to clients.	\$ 150.00	\$ 15.00
12/29/2017	Pharan Burchfield	0.3	APPEAL: Finalize and send (mail/email) Respondent Las Vegas Review-Journal's Confidential Statement Regarding Settlement to Settlement Judge.	\$ 150.00	\$ 45.00
1/4/2018	Pharan Burchfield	0.9	Prepare exhibits and draft declaration re Reply; finalize, file, and serve/mail Reply to Opposition to Motion for Attorney's Fees and Costs.	\$ 150.00	\$ 135.00
1/5/2018	Pharan Burchfield	0.1	Email clients briefing re Motion for Attorney's Fees and Costs and hearing information.	\$ 150.00	\$ 15.00

1/11/2018	Pharan Burchfield	0.5	Prepare Blackjack Bonding v LVMPD research/ fees application briefing for today's argument for Ms. McLetchie.	\$ 150.00	\$ 75.00
1/18/2018	Pharan Burchfield	0.3	Finalize proposed Order granting Motion for Attorney's Fees and Costs; draft and send Ms. McLetchie's letter to Honorable Judge Crockett and opposing counsel re submitting competing Orders re same.	\$ 150.00	\$ 45.00
1/18/2018	Pharan Burchfield	0.1	APPEAL: Download, save, and review Order re Expedite Appeal; send to clients re same; and calendar accordingly.	\$ 150.00	\$ 15.00
2/1/2018	Pharan Burchfield	0.2	File Order Granting Petitioner Las Vegas Review-Journal's Motion for Attorney's Fees and Costs; draft, file, and serve/mail Notice of Entry of Order re same.	\$ 150.00	\$ 30.00
2/6/2018	Pharan Burchfield	0.1	Email clients Notice of Appeal and Case Appeal Statement re Order Granting Attorney's Fees and Costs.	\$ 150.00	\$ 15.00
2/13/2018	Pharan Burchfield	0.2	Finalize, file, and serve/mail Opposition to Motion for Stay of Order granting Motion for Attorney's Fees and Costs.	\$ 150.00	\$ 30.00
2/22/2018	Pharan Burchfield	0.1	APPEAL: Download, review, save, and calendar Order Removing from Settlement Program (Case No. 75095) and Reinstating Briefing.	\$ 150.00	\$ 15.00
2/27/2018	Pharan Burchfield	0.4	Begin drafting proposed Order Denying Motion for Stay for Ms. McLetchie's review.	\$ 150.00	\$ 60.00
3/1/2018	Pharan Burchfield	0.1	Email communications with Mr. Echols confirming approval of proposed Order denying stay of Order granting Motion for Attorney's Fees and Costs; direct Ms. Lopez to pick-up and deliver to Honorable Judge Crockett.	\$ 150.00	\$ 15.00
3/7/2018	Pharan Burchfield	0.2	File Order Denying Respondent's Renewed Motion on Order Shortening Time for Stay of District Court Order; draft, file, and serve/mail Notice of Entry of Order re same.	\$ 150.00	\$ 30.00
3/13/2018	Pharan Burchfield	0.2	FEES APPEAL: Draft Opposition to Emergency Relief Under NRAP 27(e).	\$ 150.00	\$ 30.00
3/19/2018	Pharan Burchfield	0.2	APPEAL: Finalize, file, and serve (into both cases) Opposition to Motion to Consolidate Appeals.	\$ 150.00	\$ 30.00
3/19/2018	Pharan Burchfield	0.2	APPEAL: Draft Motion for Excess Pages re Opposition to Stay.	\$ 150.00	\$ 30.00
3/20/2018	Pharan Burchfield	0.3	FEES APPEAL: Finalize and file/serve Motion for Leave to File Response in Excess of Page/Type Volume Limitation and proposed Opposition to Emergency Motion for Relief Under NRAP 27(e).	\$ 150.00	\$ 45.00
3/21/2018	Pharan Burchfield	0.1	FEES APPEAL: Download, save, and email clients Opposition to Emergency Motion for Stay Under NRAP 27(e).	\$ 150.00	\$ 15.00
4/13/2018	Pharan Burchfield	0.2	APPEAL: Download, save, and review Motion for Extension of Time re Appellant's Opening Brief and Joint Appendix and Order Granting Extension re same; calendar briefing schedules.	\$ 150.00	\$ 30.00
4/30/2018	Pharan Burchfield	0.3	FEES APPEAL: Finalize and file/serve Petition for Rehearing.	\$ 150.00	\$ 45.00
5/21/2018	Pharan Burchfield	0.2	APPEAL: Download and save Clark County Office of Coroner/Medical Examiner's Motion for Extension of Time to File Opening Brief. Draft, file, and serve Notice of Non-Opposition to Petitioner Clark County Office of Coroner/Medical Examiner's Motion for Extension of Time to File Opening Brief.	\$ 150.00	\$ 30.00
5/23/2018	Pharan Burchfield	0.1	FEES APPEAL: Download, save, review, and update calendars re Coroner's Motion (and Notice of Approved Motion) for Extension re Opening Brief and Appendix.	\$ 150.00	\$ 15.00
6/6/2018	Pharan Burchfield	0.1	APPEAL: Download, save, and review Appellant's Opening Brief. Calendar Answering Brief as appropriate.	\$ 150.00	\$ 15.00
6/22/2018	Pharan Burchfield	0.2	FEES APPEAL: Download, save, and review Joint Appendix (volumes 1 and 2); send to attorneys re same; and download, save, and review Appellant's Second Motion to Extend Opening Brief; calendar response re same.	\$ 150.00	\$ 30.00
6/28/2018	Pharan Burchfield	0.3	APPEAL: Begin preparing Unopposed Motion for an Extension re Answering Brief for attorneys' review/approval.	\$ 150.00	\$ 45.00
6/29/2018	Pharan Burchfield	0.1	APPEAL: Finalize and file Unopposed Motion for Extension to File Respondents' Answering Brief.	\$ 150.00	\$ 15.00
7/2/2018	Pharan Burchfield	0.1	Finalize and send (email) Public Records Act requests to Ms. Rehfeldt re Marquis Aurbach Coffing agreement.	\$ 150.00	\$ 15.00
7/2/2018	Pharan Burchfield	0.1	FEES APPEAL: Download, review, and update calendars per Order Granting Motion re extension of deadline of Answering Brief.	\$ 150.00	\$ 15.00
7/2/2018	Pharan Burchfield	0.1	FEES APPEAL: Download, review, and update calendars per Order Granting Motion re extension of deadline of Opening Brief (and approximate deadline for Answering Brief).	\$ 150.00	\$ 15.00
7/9/2018	Pharan Burchfield	0.1	Review and save Ms. Rehfeldt's response to Public Records Act requests re Marquis Aurbach Coffing agreement.	\$ 150.00	\$ 15.00
7/19/2018	Pharan Burchfield	0.1	FEES APPEAL: Download, save, and review Appellant's Opening Brief; calendar Answering Brief accordingly.	\$ 150.00	\$ 15.00
8/6/2018	Pharan Burchfield	0.5	APPEAL: Prepare shell Answering Brief for attorneys' drafting.	\$ 150.00	\$ 75.00
8/13/2018	Pharan Burchfield	0.4	APPEAL: Draft shell Unopposed Motion re excess word-count in Answering Brief for drafting/editing by attorneys. Download and save for attorneys' review Orders denying re same File and serve Motion same.	\$ 150.00	\$ 60.00

8/13/2018	Pharan Burchfield	2.3	APPEAL: Draft, prepare, Bates, index, and put into volumes (3) Respondent's Appendix; file and serve re same. Prepare Table of Contents, Table of Authorities, Certificate of Compliance (non-compliant re pending unopposed Motion re word-count), and Certificate of Service re Respondent's Answering Brief; finalize, file, serve, and email courtesy copy to opposing counsel all re same.	\$ 150.00	\$ 345.00
8/14/2018	Pharan Burchfield	0.1	APPEAL: Email Reporters Committee for Freedom of the Press copies of Answering Brief and Appendices for their potential Amicus Brief.	\$ 150.00	\$ 15.00
8/16/2018	Pharan Burchfield	0.3	FEES APPEAL: Draft Unopposed Motion for Extension of Time to File Respondent's Answering Brief for Ms. McLetchie's review/approval.	\$ 150.00	\$ 45.00
8/17/2018	Pharan Burchfield	0.2	FEES APPEAL: Convert draft Unopposed Motion into Stipulation for Extension of Time to File Briefing (First Request); email communications with Mr. Echols confirms draft and permission to use esignature; file and serve re same.	\$ 150.00	\$ 30.00
8/21/2018	Pharan Burchfield	0.1	APPEAL: Download, save, and review Order Denying Excess Pages; update calendars accordingly.	\$ 150.00	\$ 15.00
9/5/2018	Pharan Burchfield	1.2	APPEAL: Format Respondent's Answering Brief, update Tables of Authorities, Table of Contents, Certificate of Compliance, and Certificate of Service; finalize and file/serve re same.	\$ 150.00	\$ 180.00
9/17/2018	Pharan Burchfield	0.6	FEES APPEAL: Draft, incorporate Ms. McLetchie's edits, file, and serve Unopposed Motion for Extension of Time to File Answering Brief (Second Request).	\$ 150.00	\$ 90.00
9/21/2018	Pharan Burchfield	0.2	APPEAL: Finalize, file, and serve Opposition to Motion to Strike Respondent's Appendix and Motion to Stay Briefing.	\$ 150.00	\$ 30.00
9/27/2018	Pharan Burchfield	0.1	FEES APPEAL: Download, save, and review Order granting extension; update attorneys and calendar appropriately.	\$ 150.00	\$ 15.00
10/15/2018	Pharan Burchfield	0.1	APPEAL: Draft, file, and serve Notice of Change of Firm Name.	\$ 150.00	\$ 15.00
10/15/2018	Pharan Burchfield	0.1	FEES APPEAL: Draft, file, and serve Notice of Change of Firm Name.	\$ 150.00	\$ 15.00
10/16/2018	Pharan Burchfield	0.1	Draft, file, and serve/mail Notice of Change of Firm Name.	\$ 150.00	\$ 15.00
10/18/2018	Pharan Burchfield	0.1	APPEAL: Download, save, and review Filed Order Granting Motion to File Amicus Brief, To Associate Counsel, and Denying Motion to Strike Appendix and the Amici Curiae Brief of The Reporters Committee for Freedom of the Press and 11 Media Organizations.	\$ 150.00	\$ 15.00
10/19/2018	Pharan Burchfield	4.5	FEES APPEAL: Incorporate attorney edits, prepare/format Table of Contents, Table of Authorities, Certificate of Compliance, and Certificate of Service re Respondent's Answering Brief; finalize Respondent's Answering Brief, and file/serve re same.	\$ 150.00	\$ 675.00
10/22/2018	Pharan Burchfield	0.1	FEES APPEAL: Download, save, and review Respondent's Answering Brief; calendar Appellant's Reply Brief deadline accordingly.	\$ 150.00	\$ 15.00
12/4/2018	Pharan Burchfield	0.1	APPEAL: Download, save, and review Appellant's Reply Brief and Appendix; email clients briefing re same.	\$ 150.00	\$ 15.00
12/24/2018	Pharan Burchfield	0.5	APPEAL: Finalize and file Motion for Leave to File Surreply. Format Table of Contents, Table of Authorities, and Certificate of Service re Surreply; finalize and file re same.	\$ 150.00	\$ 75.00
12/27/2018	Pharan Burchfield	0.1	APPEAL: Download, save, and review Order Granting Telephonic Extension. Appellant's Opposition to Motion to File Surreply; and update calendars accordingly.	\$ 150.00	\$ 15.00
1/17/2019	Pharan Burchfield	0.1	APPEAL: Download, save, and review Opposition to Motion for Leave to File Surreply; and calendar accordingly.	\$ 150.00	\$ 15.00
1/24/2019	Pharan Burchfield	0.2	APPEAL: Finalize, file, and serve Reply to Response Respondent's Reply to Opposition for Leave to File Surreply.	\$ 150.00	\$ 30.00
2/11/2019	Pharan Burchfield	0.1	APPEAL: Download, save, and review Order re Surreply and Surreply; alert attorneys and calendar accordingly.	\$ 150.00	\$ 15.00
2/13/2019	Pharan Burchfield	0.1	APPEAL: Download, save, and circulate to Order Granting Extension Per Telephonic Request. Appellant's Response to Respondent's Sur-Reply; update attorneys and calendar accordingly.	\$ 150.00	\$ 15.00
3/7/2019	Pharan Burchfield	0.1	APPEAL: Download, save, and review Response to Surreply; and email Mr. Lipman re same.	\$ 150.00	\$ 15.00
5/1/2019	Pharan Burchfield	0.1	APPEAL and FEES APPEAL: Download, save, and review Order Regarding Oral Argument consolidating and scheduling the two appeals for oral argument; update attorneys and calendar accordingly.	\$ 150.00	\$ 15.00
5/8/2019	Pharan Burchfield	0.1	APPEAL and FEES APPEAL: Download, save, and review Appellant's Motion to Postpone Oral Argument Hearing Date and Allow Longer Argument Time; update attorneys and calendars accordingly.	\$ 150.00	\$ 15.00
5/14/2019	Pharan Burchfield	0.1	APPEAL and FEES APPEAL: Download, saved, and review Order Granting Motion rescheduling Oral Arguments; update attorneys and calendar accordingly.	\$ 150.00	\$ 15.00
5/16/2019	Pharan Burchfield	0.3	APPEAL and FEES APPEAL: Draft Motion to Continue Oral Argument for Ms. McLetchie's review and approval.	\$ 150.00	\$ 45.00
5/16/2019	Pharan Burchfield	0.1	APPEAL and FEES APPEAL: Download, save, and review Notice of Oral Argument Setting; update attorneys and confirm with calendar re same.	\$ 150.00	\$ 15.00

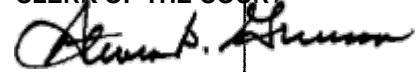
5/17/2019	Pharan Burchfield	0.1	APPEAL and FEES APPEAL: Finalize, file, and serve Respondent's Unopposed Motion to Continue Oral Argument; download, save, and review re same; update attorneys and calendars accordingly.	\$ 150.00	\$ 15.00
5/29/2019	Pharan Burchfield	0.1	APPEAL and FEES APPEAL: Per Ms. McLetchie, called and spoke with Clerk at Nevada Supreme Court re status of outstanding Unopposed Motion to Continue Oral Argument.	\$ 150.00	\$ 15.00
5/30/2019	Pharan Burchfield	0.1	APPEAL and FEES APPEAL: Download, save, and review Order Granting Motion to Continue Oral Argument; update attorneys and calendar accordingly.	\$ 150.00	\$ 15.00
7/16/2019	Pharan Burchfield	0.1	APPEAL: Download, save, and review Notice of Withdrawal of Amici Counsel; and update attorneys re same.	\$ 150.00	\$ 15.00
8/26/2019	Pharan Burchfield	0.2	APPEAL and FEES APPEAL: Download, save, and review Issued Notice Scheduling Oral Argument; update team and clients re same; and calendar accordingly.	\$ 150.00	\$ 30.00
9/20/2019	Pharan Burchfield	0.1	APPEAL: Draft Notice of Appearance at Oral Argument for attorneys' review.	\$ 150.00	\$ 15.00
9/30/2019	Pharan Burchfield	0.3	APPEAL AND FEES APPEAL: Finalize, file, and serve Notices of Appearance at Oral Argument.	\$ 150.00	\$ 45.00
9/30/2019	Pharan Burchfield	0.1	FEES APPEAL: Finalize, file, and serve Notice of Appearance at Oral Argument.	\$ 150.00	\$ 15.00
9/30/2019	Pharan Burchfield	0.1	APPEAL and FEES APPEAL: Download, save, and review Oral Argument Reminder Notices; update attorneys and confirm calendar re same.	\$ 150.00	\$ 15.00
10/2/2019	Pharan Burchfield	0.1	APPEAL and FEES APPEAL: Download, save, and review Voluntary Disclosure from Justice Abbi Silver; update attorneys and calendar accordingly.	\$ 150.00	\$ 15.00
10/3/2019	Pharan Burchfield	0.1	FEES APPEAL: Shell draft Response to Appellant's Notice of Supplemental Authorities for attorney's review. Finalize, file, and serve same after attorney drafting/approval.	\$ 150.00	\$ 15.00
10/7/2019	Pharan Burchfield	0.4	APPEAL and FEES APPEAL: Assist in Ms. McLetchie's preparation re upcoming oral arguments.	\$ 150.00	\$ 60.00
		25.9	Totals for Pharan Burchfield (2017-2019)	\$	3,885.00
1/23/2020	Pharan Burchfield	0.1	APPEAL: Download, save, and review Notice of Appearance re Mr. Anderson; and update attorneys re same.	\$ 175.00	\$ 17.50
2/27/2020	Pharan Burchfield	0.1	APPEAL: Download, save, and review Opinion (Affirmed in Part Reversed in Part and Remanded); and update attorneys re same.	\$ 175.00	\$ 17.50
3/27/2020	Pharan Burchfield	0.1	Review unsigned Remittitur received from Nevada Supreme Court; and update attorneys re same.	\$ 175.00	\$ 17.50
4/15/2020	Pharan Burchfield	0.1	Download, save, and review Minute Order re briefing schedule and discovery plan; update attorneys and calendar accordingly.	\$ 175.00	\$ 17.50
4/17/2020	Pharan Burchfield	0.1	Download, save, and review Notice of Appearance and Change of Counsel; update attorneys and file accordingly.	\$ 175.00	\$ 17.50
4/27/2020	Pharan Burchfield	0.1	APPEAL: Download, save, and review Issued Remittitur; and update attorneys re same.	\$ 175.00	\$ 17.50
4/30/2020	Pharan Burchfield	0.2	Draft a meet and confer letter to opposing counsel for Ms. McLetchie's review and approval.	\$ 175.00	\$ 35.00
5/5/2020	Pharan Burchfield	0.1	Finalize and send (e-serve) Ms. McLetchie's letter to opposing counsel re scheduling and discovery.	\$ 175.00	\$ 17.50
5/8/2020	Pharan Burchfield	0.1	Email follow-up to opposing counsel to schedule a meet and confer re discovery and scheduling in case.	\$ 175.00	\$ 17.50
5/19/2020	Pharan Burchfield	0.3	Draft Stipulation and Order re Briefing Schedule for attorneys' review and approval.	\$ 175.00	\$ 52.50
5/27/2020	Pharan Burchfield	0.2	Finalize Stipulation and Order Regarding Briefing Schedule (incorporate Ms. Nichols' edits) and submit/email to Department 24.	\$ 175.00	\$ 35.00
6/2/2020	Pharan Burchfield	0.2	Download, save, and review Stipulation and Order Regarding Briefing Schedule. Draft, file, and serve Notice of Entry of Stipulation and Order Regarding Briefing Schedule. Update attorneys and calendar accordingly.	\$ 175.00	\$ 35.00
7/9/2020	Pharan Burchfield	0.1	Per Ms. McLetchie, email client re upcoming hearing date.	\$ 175.00	\$ 17.50
7/15/2020	Pharan Burchfield	0.4	Draft Stipulation and Order Extending the Briefing Schedule for attorneys' review and approval.	\$ 175.00	\$ 70.00
7/17/2020	Pharan Burchfield	0.3	Finalize draft Stipulation and Order Extending the Briefing Schedule; email communications with Ms. Nichols re same. Submit/email Stipulation and Order to Court/Department 24 re same.	\$ 175.00	\$ 52.50
7/20/2020	Pharan Burchfield	0.2	Download, save, and review Stipulation and Order Extending Briefing Schedule; draft, file, and serve Notice of Entry of Stipulation and Order Extending Briefing Schedule; update attorneys and calendar accordingly.	\$ 175.00	\$ 35.00
8/27/2020	Pharan Burchfield	1.3	Draft Motion for Leave re excess pages for attorneys' review and approval. Prepare Table of Contents, Table of Authorities, and Certificate of Service re Petitioner's Opening Brief on Remand; prepare/finalize for filing; file and serve re same.	\$ 175.00	\$ 227.50
9/28/2020	Pharan Burchfield	0.1	Download, save, and review (1) Stipulation and Order to Extend Briefing Schedule; and (2) Notice of Entry of Stipulation and Order; update attorneys and calendar accordingly.	\$ 175.00	\$ 17.50

10/7/2020	Pharan Burchfield	0.1	Download, save, and review Respondent Clark County Office of the Coroner/Medical Examiner's Answering Brief; update attorneys and confirm calendar accordingly. Email Mr. Lipman re same.	\$ 175.00	\$ 17.50
10/22/2020	Pharan Burchfield	0.1	Per Ms. McLetchie, send hearing reminder email to Mr. Lipman.	\$ 175.00	\$ 17.50
10/22/2020	Pharan Burchfield	0.9	Create Table of Contents, Table of Authorities, and Certificate of Service; prepare for filing the Petitioner's Reply in Support of Petitioner's Opening Brief on Remand for attorneys' review and approval. Finalize, file, and serve re same. Email Mr. Lipman re same.	\$ 175.00	\$ 157.50
10/23/2020	Pharan Burchfield	0.1	Phone call with Mr. Simeon (law clerk in Department 24) re docket showing 10/29/2020 as a "Status Check" rather than a "Hearing" and update attorneys re same.	\$ 175.00	\$ 17.50
10/27/2020	Pharan Burchfield	0.1	Download, save, and review Notification of Appearance by Blue Jeans re Thursday, October 29, 2020 hearing; update attorneys and calendar accordingly. Email Mr. Lipman and Mr. Kane re same.	\$ 175.00	\$ 17.50
10/28/2020	Pharan Burchfield	0.1	Phone call with Mr. Simone, law clerk in Department 24, confirming BlueJeans invite (not in-person) and no courtesy copies requested. Update attorneys re same.	\$ 175.00	\$ 17.50
10/29/2020	Pharan Burchfield	0.1	Email communications with Ms. Nichols re splitting costs of today's hearing transcript; draft transcript request for attorneys' review and approval; and email to Court re same.	\$ 175.00	\$ 17.50
11/4/2020	Pharan Burchfield	0.1	Email communications with Ms. Maldonado (court recOrder in Department 24) and Ms. Nichols re splitting costs of 10/26/2020 transcript and requesting updated invoices reflecting such; payment made accordingly.	\$ 175.00	\$ 17.50
11/4/2020	Pharan Burchfield	0.1	Check court docket to confirm that no Minutes have been updated re 10/29/2020 hearing; and update attorneys re same.	\$ 175.00	\$ 17.50
11/5/2020	Pharan Burchfield	0.1	Download, save, and review RecOrders Transcript of 10/29/2020 Hearing re Briefs on Remand; and update attorneys re same. Email Mr. Lipman re same.	\$ 175.00	\$ 17.50
11/12/2020	Pharan Burchfield	0.1	Email Department 24 requesting extension of time to submit proposed Order. Update calendar accordingly.	\$ 175.00	\$ 17.50
11/13/2020	Pharan Burchfield	0.1	Email Mr. Lipman the revised proposed Order on remand for his review.	\$ 175.00	\$ 17.50
11/13/2020	Pharan Burchfield	0.3	Finalize draft proposed Order on remand and email to Ms. Nichols for review and approval.	\$ 175.00	\$ 52.50
11/18/2020	Pharan Burchfield	0.3	Draft letter re competing Orders for review/approval. Finalize and send (email) to Judge Crockett re same.	\$ 175.00	\$ 52.50
11/19/2020	Pharan Burchfield	0.1	Phone call with Mr. Simeon (law clerk in Department 24), requesting re-send proposed Order; update attorneys and email re same.	\$ 175.00	\$ 17.50
11/30/2020	Pharan Burchfield	0.4	Finalize, file, and serve Opposition to Motion to Stay on an Order Shortening Time. Email Mr. Lipman re same.	\$ 175.00	\$ 70.00
12/7/2020	Pharan Burchfield	2.0	Gather, create, prepare, and redact district court expenses and appeal expenses for Memorandum of Costs and Disbursements.	\$ 175.00	\$ 350.00
12/7/2020	Pharan Burchfield	0.1	Download, save, and review Respondent Clark County Office of the Coroner/Medical Examiner's Reply in Support of Motion to Stay on an Order Shortening Time; update attorneys and confirm calendar accordingly. Email Mr. Lipman re same.	\$ 175.00	\$ 17.50
12/7/2020	Pharan Burchfield	0.1	Download, save, and review Notification of Appearance via BlueJeans re upcoming 12/10/2020 hearing on Coroner's Motion for Stay; update attorneys and calendar accordingly. Email Mr. Lipman re same.	\$ 175.00	\$ 17.50
12/7/2020	Pharan Burchfield	0.3	Finalize and submit/email Motion for Order to Show Cause on an Order Shortening Time to Department 24.	\$ 175.00	\$ 52.50
12/8/2020	Pharan Burchfield	2.8	Continue to create, prepare, and redact district court expenses and appeal expenses. Draft Memorandum of Costs and Disbursements for attorneys review and approval.	\$ 175.00	\$ 490.00
12/8/2020	Pharan Burchfield	0.2	Download, save, and review Motion for an Order to Show Cause on an Order Shortening Time; draft Notice of Entry of Motion for an Order to Show Cause on an Order Shortening Time, file and serve re same; update attorneys and calendar accordingly. Email Mr. Lipman re same.	\$ 175.00	\$ 35.00
12/9/2020	Pharan Burchfield	1.4	Create, prepare, and edit fees by date for attorneys' review and approval for the upcoming Motion for Attorney's Fees.	\$ 175.00	\$ 245.00
12/9/2020	Pharan Burchfield	0.1	Per Ms. McLetchie, email hearing reminder and BlueJeans details to Mr. Lipman and Mr. Kane re 12/10/2020 hearings on Coroner's Motion for Stay and Las Vegas Review-Journal's Motion for an Order to Show Cause.	\$ 175.00	\$ 17.50
12/9/2020	Pharan Burchfield	0.1	Download, save, and review 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; update attorneys and confirm calendar accordingly. Email Mr. Lipman re same.	\$ 175.00	\$ 17.50
12/10/2020	Pharan Burchfield	0.1	Per Ms. McLetchie, prepare and send/email Ms. Maldonado (court recOrder in Department 24) expedited transcript request.	\$ 175.00	\$ 17.50

12/11/2020	Pharan Burchfield	3.2	Finalize Memorandum of Costs and Disbursements; file and serve re same. Draft Ms. McLetchie's Declaration in Support of Supplemental Motion for Attorney's Fees and Costs. Continue editing fees (create exhibits re by date and by biller) for attorneys' review and approval. Finalize Supplemental Motion for Attorney's Fees and Costs; file and serve re same. Update attorneys, calendar, and email Mr. Lipman accordingly.	\$ 175.00	\$ 560.00
12/14/2020	Pharan Burchfield	0.2	Download, save, and review Clerk's Notice of Hearing re supplement Motion for Attorney's Fees and Costs. Update attorneys and calendar accordingly. Per Ms. McLetchie, phone call with Master Calendar re request for no hearing/in chambers; and email Department 24 re same.	\$ 175.00	\$ 35.00
12/14/2020	Pharan Burchfield	0.1	Follow-up email to court reporter re expedited transcript request.	\$ 175.00	\$ 17.50
12/15/2020	Pharan Burchfield	0.1	Download, save, and review Transcript re 12/10/20 (Coroner's Stay and Las Vegas Review-Journal's Order to Show Cause); update attorneys and email Mr. Lipman re same.	\$ 175.00	\$ 17.50
12/16/2020	Pharan Burchfield	0.1	Download, save, and review Notice of Appeal and Case Appeal Statement; update attorneys and calendar potential cross-appeal accordingly. Email Mr. Lipman re same.	\$ 175.00	\$ 17.50
12/17/2020	Pharan Burchfield	0.1	Per Ms. McLetchie, email Mr. Lipman the draft Proposed Order Denying Stay for his review.	\$ 175.00	\$ 17.50
12/17/2020	Pharan Burchfield	0.2	APPEAL: Prepare draft Response to Emergency Motion for Relief Under NRAP 27(e) [Stay] for attorneys' use.	\$ 175.00	\$ 35.00
12/17/2020	Pharan Burchfield	0.1	APPEAL: Download, save, and review (1) Docketed Notice of Appeal; (2) Filed Copy of District Court Minutes Addendum to Notice of Appeal Packet submitted 12/16/2020 - A758501; and (3) Notice of Referral of Settlement Program and Suspension of Rules; update attorneys and calendar accordingly.	\$ 175.00	\$ 17.50
12/17/2020	Pharan Burchfield	0.1	APPEAL: Download, save, and review Emergency Motion for Relief Under NRAP 27(e) [Stay]; and update attorneys re same.	\$ 175.00	\$ 17.50
12/18/2020	Pharan Burchfield	0.1	Prepare draft proposed Order Denying the Motion for stay on an Order shortening time for Ms. Nichols's review and email re same.	\$ 175.00	\$ 17.50
12/21/2020	Pharan Burchfield	0.1	APPEAL: Download, save, and review Notice re Exemption from Settlement Program; update attorneys and calendar accordingly. Email Mr. Lipman re same.	\$ 175.00	\$ 17.50
12/23/2020	Pharan Burchfield	0.1	APPEAL: Email Mr. Lipman a copy of the Notice Of No Transcripts To Be Requested.	\$ 175.00	\$ 17.50
12/23/2020	Pharan Burchfield	0.1	APPEAL: Draft Motion for Leave to File in Excess Pages for attorneys' review and approval.	\$ 175.00	\$ 17.50
12/24/2020	Pharan Burchfield	0.2	Download, save, and review Order Denying Respondent Clark County Office of the Coroner/Medical Examiner's Motion for Stay on an Order Shortening Time; update attorneys re same. Draft, finalize, file, and serve Notice of Entry of Order Denying Respondent Clark County Office of the Coroner/Medical Examiner's Motion for Stay on an Order Shortening Time. Email Mr. Lipman re same.	\$ 175.00	\$ 35.00
12/24/2020	Pharan Burchfield	0.9	APPEAL: Finalize Motion for Leave to File Response in Excess Page/Type Volume Limitation. Create Table of Contents, Table of Authorities, Certificate of Service, finalize, file and serve all re same. Update attorneys and email Mr. Lipman re same.	\$ 175.00	\$ 157.50
12/31/2020	Pharan Burchfield	0.1	Download, save, and review Order Denying Motion for an Order to Show Cause; update attorneys and calendar accordingly.	\$ 175.00	\$ 17.50
12/31/2020	Pharan Burchfield	0.1	APPEAL: Download, save, and review Motion to Voluntarily Dismiss Appeal; update attorneys and calendar accordingly.	\$ 175.00	\$ 17.50
1/4/2021	Pharan Burchfield	0.1	Download, save, and review Notice of Entry of Order Denying Petitioner Las Vegas Review-Journal's Motion for Order to Show Cause on Order Shortening Time; update attorneys and calendar accordingly. Email Mr. Lipman re same.	\$ 175.00	\$ 17.50
1/7/2021	Pharan Burchfield	0.1	Draft Peremptory Challenge of a Judge re Honorable Jessica Peterson for attorneys' review and approval; finalize, file, and serve re same. Email Mr. Lipman re same.	\$ 175.00	\$ 17.50
1/12/2021	Pharan Burchfield	0.1	Download, save, and review Notice of Department Reassignment (Department 29; Honorable Judge Jones); and update attorneys re same. Email Mr. Lipman re same.	\$ 175.00	\$ 17.50
1/12/2021	Pharan Burchfield	0.1	APPEAL: Download, save, and review Order Dismissing Appeal; update attorneys and calendar accordingly. Email Mr. Lipman re same.	\$ 175.00	\$ 17.50
1/13/2021	Pharan Burchfield	0.4	Draft Stipulation and Order to Supplement Motion for Attorney's Fees and Costs and Setting a Briefing Schedule for attorneys' review and approval.	\$ 175.00	\$ 70.00
1/15/2021	Pharan Burchfield	0.2	Incorporate Ms. Nichol's edits to the draft the Stipulation and Order to Supplement Motion for Attorney's Fees and Costs and Setting a Briefing Schedule; finalize and submit/email to Court re same.	\$ 175.00	\$ 35.00
1/21/2021	Pharan Burchfield	0.1	Follow-up phone call (attempt) and email to Department 29 re pending Stipulation on Attorney's Fees and Costs and confirm whether or not 01/27/2021 hearing is going forward.	\$ 175.00	\$ 17.50
1/22/2021	Pharan Burchfield	0.1	Phone call with Ms. Linn, JEA in Department 29, re pending Stipulation and upcoming hearing; and update attorneys re same.	\$ 175.00	\$ 17.50

1/26/2021	Pharan Burchfield	0.1	Check docket to confirm 01/27/2021 hearing; phone call with Ms. Busch (Ms. Nichols' assistant); and update attorneys re same.	\$ 175.00	\$ 17.50
1/27/2021	Pharan Burchfield	0.2	Download, save, and review Stipulation and Order to Supplement Motion for Attorney's Fees and Costs and Setting a Briefing Schedule; draft, file, and serve Notice of Entry of Stipulation and Order to Supplement Motion for Attorney's Fees and Costs and Setting a Briefing Schedule; update attorneys and calendar accordingly.	\$ 175.00	\$ 35.00
1/29/2021	Pharan Burchfield	0.1	Check docket to confirm that no Court Minutes have been posted re 01/27/2021 hearing; and that the continued hearing date is not yet scheduled on the docket; and update attorneys re same.	\$ 175.00	\$ 17.50
2/2/2021	Pharan Burchfield	0.1	Check docket to confirm that no Court Minutes have been posted re 01/27/2021 hearing; and that the continued hearing date is not yet scheduled on the docket; and update attorneys re same.	\$ 175.00	\$ 17.50
2/2/2021	Pharan Burchfield	1.8	Prepare updated spreadsheets re fees as exhibits to Consolidated Motion for Attorney's Fees and Costs; finalize with attorneys; file and serve re same.	\$ 175.00	\$ 315.00
23.8			Totals for Pharan Burchfield (2020-2021)	\$	4,165.00
49.7			Grand Total for Pharan Burchfield	\$	8,050.00
TOTAL ATTORNEY'S FEES				\$	246,602.50

EXHIBIT 3



1 **FFCL**

2 MARGARET A. MCLEATCHIE, Nevada Bar No. 10931

3 ALINA M. SHELL, Nevada Bar No. 11711

4 MCLEATCHIE SHELL LLC

5 701 East Bridger Avenue, Suite. 520

6 Las Vegas, NV 89101

7 Telephone: (702)-728-5300

8 Email: maggie@nvlitigation.com

9 *Counsel for Petitioner*

10 **EIGHTH JUDICIAL DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 LAS VEGAS REVIEW-JOURNAL,

Case No.: A-17-750151-W

13 Petitioner,

Dept. No.: XVI

14 vs.

15 **FINDINGS OF FACTS AND**
16 **CONCLUSIONS OF LAW AND**
17 **ORDER**

18 CLARK COUNTY SCHOOL DISTRICT,

19 Respondent.

20 The Las Vegas Review-Journal's Motion for Attorney's fees and Costs and Request
21 for Order Finding CCSD Acted in Bad Faith, having come on for hearing on November 11,
22 2017 and January 4, 2018, the Honorable Timothy C. Williams presiding, Petitioner LAS
23 VEGAS REVIEW-JOURNAL ("Review-Journal") appearing by and through its attorney,
24 MARGARET A. MCLEATCHIE, and Respondent CLARK COUNTY SCHOOL DISTRICT
25 ("CCSD"), appearing by and through its attorney, CARLOS M. MCDADE, and the Court
26 having read and considered all of the papers and pleadings on file and being fully advised,
27 and good cause appearing therefor, the Court hereby makes the following findings of fact
28 and conclusions of law:

///

///

///

MAR 16 2018

I.

PROCEDURAL HISTORY AND FINDINGS OF FACT

Original Requests; Filing of Action

1. On December 5, 2016, Review-Journal reporter Amelia Pak-Harvey (the “Reporter”) sent CCSD a request on behalf of the Review-Journal and pursuant to the Nevada Public Records Act, Nev. Rev. Stat. § 239.001 *et seq.* (the “NPRA”) seeking certain documents pertaining to CCSD Trustee Kevin Child; the Reporter supplemented the Request on December 9, 2016 (the “December Requests”).

2. After CCSD failed to provide documents or assert any claim of confidentiality pursuant to Nev. Rev. Stat. § 239.0107, the Review-Journal initiated this action on January 26, 2017, requesting expedited consideration pursuant to Nev. Rev. Stat. § 239.011.

Initial Proceedings and February 22, 2017 Order

3. On February 8, 2017, the Court ordered CCSD to either fully produce all the requested records in unredacted form by 12:00 p.m. on Friday, February 10, 2017, or that the matter would proceed to hearing. CCSD did not produce all records in unredacted form. Instead, Starting on February 8, 2017 it began producing some records in redacted form and withheld others. CCSD did not disclose that it had limited the sources it searched for records responsive to the Request or the Supplemental Request.

4. The Court conducted an *in camera* review of the unredacted version of the redacted records provided and then, on February 14, 2017, the Court heard oral argument on the Review-Journal’s Petition. Following that hearing, on February 22, 2017, the Court entered an Order granting the Review-Journal’s Petition. (*See* February 22, 2017 Order (the “February Order”); *see also* February 23, 2017 Notice of Entry of Order).

5. The Court ordered CCSD to provide the Review-Journal with new versions of records it had produced with only “the names of direct victims of sexual harassment or alleged sexual harassment, students, and support staff” redacted. (*Id.* at ¶ 34.) The Court further specified that “CCSD may not make any other redactions” and must unredact the

1 names of schools, teachers, and all administrative-level employees that were not direct
2 victims. (*Id* at ¶ 35.)

3 6. CCSD did not appeal this order, or seek other relief pertaining to the
4 February Order. To date, CCSD has disclosed 174 pages of documents to the Review-
5 Journal, redacting consistently with the February Order. CCSD has also withheld 102 pages.
6 ***February Request, and the Review-Journal's Efforts to Obtain a Privilege Log and Search***
7 ***Information***

8 7. On February 10, 2017, the Review-Journal submitted a new records request
9 to CCSD for certain records pertaining to Mr. Child (the "February Request"). The Review-
10 Journal also offered to work with CCSD to develop searches.

11 8. On February 17, 2017, CCSD notified the Review-Journal via email that it
12 was unable to provide the records listed in the February Request within the five days
13 mandated by Nev. Rev. Stat. § 239.0107. On March 1, 2017, Review-Journal filed its
14 Amended Petition. On March 3, 2017, CCSD provided some documents in response to the
15 February Request. On March 3, 2017, in a letter to counsel, CCSD stated it had redacted
16 information pertaining to the names of individuals who reported a complaint or concern
17 about Trustee Child, information including potentially identifying information about
18 students, and personal phone numbers. That same day, the Review-Journal requested CCSD
19 provide a log of withheld documents that were responsive to the February Request and also
20 asked CCSD to provide it with search information. CCSD responded to these requests via
21 letter on March 13, 2017. Despite previous requests from the Review-Journal, that was the
22 first time CCSD provided any search term information.

23 9. In response to the Review-Journal's inquiry regarding which documents
24 were being withheld, CCSD asserted that "the only information that has not been provided
25 is internal information received or gathered by the District in the court of its investigation of
26 an alleged practice of unlawful practice of discrimination, harassment, or hostile work
27 environment which is confidential and not required to be disclosed under the public records
28 law." By email on March 13, 2017, CCSD also stated it was withholding one document—a

1 report prepared by Cedric Cole, CCSD's Executive Manager of Diversity and Affirmative
2 Action, regarding an investigation his office had conducted into hostile work environment
3 allegations against Trustee Child (the "Cole Report"). The Review-Journal responded to
4 CCSD by letter on March 21, 2017. In that letter, the Review-Journal requested CCSD
5 conduct additional email searches for responsive records from additional custodians. The
6 Review-Journal requested that CCSD search those records for documents pertaining to the
7 topics outlined in the December and February Requests. The Review-Journal also requested
8 CCSD produce hard copy records from the Diversity and Affirmative Action Program's hard
9 copy file on Trustee Child, as well as any other hard copy files CCSD maintains on Trustee
10 Child that were responsive to the December and February Requests.

11 10. CCSD declined to produce the Cole Report and other documents created by
12 the Office of Diversity and Affirmative Action Programs; on March 24, 2017, CCSD
13 supplemented its privilege log to reflect that it was withholding records in addition to the
14 records it had previously identified ("3/24/2017 Log"). This 3/24/2017 Log reflected that, in
15 total, CCSD withheld only the following from documents produced in response to the
16 December Requests and the February Request:

17 Investigative memoranda prepared by Cedric Cole, CCSD's Executive
18 Manager of Diversity and Affirmative Action, regarding an investigation
19 his office had conducted into hostile work environment allegations against
Trustee Child (the "Cole Report") and Mr. Cole's investigative notes.

20 (See Exhibit E to March 29, 2017 Opening Brief in support of Amended Petition for Writ
21 of Mandamus.)

22 ***Order Granting Writ of Mandamus as to Jurisdiction and Search Parameters***

23 11. On May 9, 2017, the Court heard oral arguments on the Review-Journal's
24 Amended Petition for Writ of Mandamus. On June 6, 2017, the Court entered an Order
25 granting the Review-Journal's Amended Petition as to the request that CCSD complete
26 additional searches. (June 6, 2017 Order at ¶ 45, ¶ 46.)

27 12. Further, the Court ordered that, with regard to any documents CCSD had
28 withheld and/or redacted to date and any additional responsive documents it identified in

1 response to the additional email and hard copy searches it was required to perform but
2 contended are confidential and/or privileged, CCSD was to create a single log numbering
3 and identifying each document withheld or redacted (in response to either the December
4 Requests or the February Request) by providing a factual description of each record withheld
5 (by listing to, from, date, and general subject) as well as a specific explanation for non-
6 disclosure for each document withheld or redacted (including confidentiality being claimed,
7 and basis for claim). The Court further ordered that the log provide sufficient information to
8 the Las Vegas Review-Journal to meaningfully contest each claim of confidentiality asserted.
9 The Court ordered CCSD to provide the final privilege log to the Court by May 30, 2017,
10 along with all redacted documents and documents being withheld for an *in camera* review.
11 The Court also directed CCSD to provide a copy of the privilege log to the Las Vegas
12 Review-Journal. (June 6, 2017 Order at ¶ 47.)

13 **July 12 Order**

14 13. On May 30, 2017, CCSD submitted the redacted and documents it was
15 withholding (the “Withheld Records”) to the Court for *in camera* review. It additionally
16 provided the Court with two certifications and a privilege log. (“Final Log”)

17 14. Despite its representation to the undersigned, CCSD counsel did not provide
18 a copy of either of these documents to the Review-Journal at that time. At a hearing held on
19 June 6, 2017 the Court made clear it has expected CCSD to engage in the routine practice of
20 providing privilege logs and certifications to opposing counsel in conjunction with *in camera*
21 submissions. At the hearing, CCSD counsel did finally provide a copy of the Final Log and,
22 later that day, provided copies of the certifications it had provided to the Court a week earlier.

23 15. In the Final Log, CCSD stated it is withholding the following documents in
24 their entirety on the basis of the privileges it describes as “Office of Diversity and Affirmative
25 Action Privileges:”

- 26 • CCSD 034-060; and
- 27 • CCSD 0159-0233.

28 In the Final Log, CCSD has summarized these documents as follows:

To the best of CCSD's knowledge, the only information that has not been provided to Petitioner is internal information received or gathered by Cedric Cole, Executive Director, Office of Diversity and Affirmative Action, in the course of his investigation regarding Trustee Child ...

(Exh. GG to June 13, 2017 Review-Journal Memorandum at Review-Journal007.)

16. The Final Log also cites CCSD Regulation 4110(X) to justify non-disclosure of the 102 pages of documents it is withholding. That Regulation states that

All information gathered by the District in the course of its investigation of an alleged unlawful discriminatory practice will remain confidential except to the extent necessary to conduct an investigation, resolve the complaint, serve other significant needs, or comply with law.

(*Id.* at Review-Journal022.)

17. CCSD also claims that the NPRA does not require the release of confidential employee personnel information. (*Id.* at Review-Journal023.) In addition, CCSD claims in its Final Log that the records of its investigation of Trustee Child should be kept confidential pursuant to Title VII and guidance from the Equal Opportunity Employment Commission ("EEOC"). (*Id.* at Review-Journal019-Review-Journal021.) CCSD also claims that withheld internal information it obtained during its investigation of allegations of discrimination or harassment by Trustee Child is subject to the deliberative process privilege because the information "was used as part of the deliberative and decision-making process of District executives" in crafting the Cole Memorandum. (*Id.* at Review-Journal023.) CCSD asserts that any withheld information which might constitute "worksheets, drafts, informal notes, or ad hoc reports," it qualifies as "nonrecord material" under NAC 239.051. (*Id.*)

18. The Review-Journal submitted a Memorandum responding to CCSD's Final Log on June 13, 2017.

19. This Court held a hearing on CCSD's Final Log and May 30, 2017 *in camera* submission on June 27, 2017.

20. At that hearing, CCSD asserted for the first time that in addition to the privileges asserted in its Final Log, Chapter 233 of the Nevada Revised Statutes—which provides for the creation and regulation of the Nevada Equal Rights Commission—applied to investigations conducted by CCSD's Office of Diversity and Affirmative Action.

1 Specifically, CCSD asserted at the hearing that information pertaining to investigation of
2 allegations against Trustee Child must be kept confidential pursuant to Nev. Rev. Stat. §
3 233.190.

4 21. On July 12, 2017 an Order was entered ordering CCSD to produce the
5 Withheld Records, but allowing CCSD to make redaction consistent with the February Order.
6 CCSD is explicitly permitted to redact the “names of direct victims of sexual harassment or
7 alleged sexual harassment, students, and support staff.” (See February 23, 2017 Order at ¶
8 34; see also July 12, 2017 Order at ¶ 88 (permitting CCSD to redact names consistent with
9 the February 23, 2017 Order).) The Court further specified that “CCSD may not make any
10 other redactions” and must unredact the names of schools, teachers, and all administrative-
11 level employees that were not direct victims. (See February 23, 2017 Order at ¶ 35; see also
12 July 12, 2017 Order at ¶ 88 (permitting CCSD to redact names consistent with the February
13 23, 2017 Order).)

14 ***Appeal and Motion to Stay***

15 22. On July 12, 2017, CCSD filed a Motion to Stay Enforcement of Order
16 Granting Writ of Mandamus as to Withheld Records Pursuant to NRCP 62(c), (d), and (e)
17 Pending Appeal on Order Shortening Time.

18 23. On July 12, 2017, CCSD also filed a Notice of Appeal to the Nevada
19 Supreme Court.

20 24. On July 19, 2017, Review-Journal filed its Opposition to Motion to Stay
21 Enforcement of Order Granting Writ of Mandamus as to Withheld Records Pursuant to
22 NRCP 62(c), (d), and (e) Pending Appeal on Order Shortening Time.

23 25. On July 21, 2017, CCSD filed its Reply in Support of Motion to Stay
24 Enforcement of Order Granting Writ of Mandamus as to Withheld Records Pursuant to
25 NRCP 62(c), (d), and (e) Pending Appeal on Order Shortening Time.

26 26. Only July, 27, 2017, this Court heard arguments on the Motion to Stay
27 Enforcement of Order Granting Writ of Mandamus as to Withheld Records Pursuant to
28 NRCP 62(c), (d), and (e) Pending Appeal on Order Shortening Time, and ultimately denied

CCSD's Motion to Stay.

27. On July 27, 2017, CCSD filed an Emergency Motion For Stay Pending Appeal with the Nevada Supreme Court; that same day, the Supreme Court assigned CCSD's Emergency Motion to the Court of Appeals.

28. On August 28, 2017, the Court of Appeals granted CCSD's Emergency Motion For Stay Pending Appeal.

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

29. On October 3, 2017, the Review-Journal filed a Motion for Attorney's Fees and Costs and Motion to Find CCSD in Bad Faith pursuant to Nev. Rev. Stat. § 239.011(2).

30. In its Motion and supporting exhibits, the Review-Journal requested compensation at the following rates for work performed by its attorneys and support staff:

Attorney/Biller	Hours	Billing Rate	Total Billed
Margaret A. McLetchie	138.2	\$450.00	\$62,190.00 ¹
Alina M. Shell	88.2	\$350.00	\$30,065.00 ²
Leo Wolpert	24.0	\$175.00	\$4,200.00
Pharan Burchfield	29.6	\$150.00	\$4,440.00
Administrative Support	18.9	\$25.00	\$472.50
Total Fees Requested			\$101,367.50

31. The Review-Journal also requested \$4,330.87 in costs associated with the litigation, for a combined total request for \$105,698.37 in fees and costs.

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

33. CCSD filed an Opposition to the Review-Journal's Motion on October 31, 2017, and the Review-Journal filed a Reply on November 13, 2017.

34. In its Opposition, CCSD asserted that pursuant to Nev. Rev. Stat. § 239.012, a provision of the NPRA which provides immunity from damages for public

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.

officers who act in good faith in disclosing or refusing to disclose records, the Review-Journal had to establish CCSD acted in bad faith in refusing to disclose the requested records to obtain attorney's fees and costs.

35. Alternatively, CCSD argued the fees and costs sought by counsel for the Review-Journal should be apportioned and reduced, largely relying on case law regarding prevailing market rates from federal cases (including Prison Litigation Reform Act case law).

36. This Court conducted a hearing on the Review-Journal's Motion on November 16, 2017.

37. At the November 16, 2017 hearing, the Court directed the parties to submit supplemental briefing regarding whether it retained jurisdiction to rule on Review-Journal's Motion while CCSD's appeal was pending before the Nevada Supreme Court.

38. The Review-Journal filed a Supplement to its Motion for Attorney's Fees and Costs on December 7, 2017.

39. On December 18, 2017 CCSD's filed an Opposition to Review-Journal's Supplement to Motion for Attorney's Fees and Costs, as well as a Motion to Strike Improper Argument in Review-Journal's Supplemental Motions. CCSD filed an Errata to that Opposition on December 19, 2017.

40. On December 28, 2017, the Review-Journal filed a Reply to CCSD's Opposition to the Supplement, and also filed an Opposition to CCSD's Motion to Strike.

41. The Court conducted a hearing on these motions on January 4, 2018.

42. At the January 4, 2018 hearing, the Court found that it retained jurisdiction over the Review-Journal's Motion for Attorney's Fees and Costs and Request for Order Finding CCSD Acted in Bad Faith. The Court then granted the Review-Journal's Motion for Attorney's Fees and Costs, and denied the Review-Journal's Request for Order Finding CCSD Acted in Bad Faith. The Court further ordered the Review-Journal to submit a supplement regarding additional attorney's fees it accrued after submitting its Motion for Attorney's Fees and Costs.

///

1 50. The fact that a separate statute, § 239.012 (the “Damages Immunity
2 Statute”), provides for immunity for good faith actions of public officers of employees in
3 responding to NPRA requests does not change the interpretation of the Fees Statute for
4 multiple reasons.

5 51. First, as set forth above, the language of the Fees Statute is plain: if a
6 requester prevails in an action to obtain public records, “the requester is entitled to recover
7 his or her reasonable costs and attorney’s fees in the proceeding from the governmental
8 entity whose officer has custody of the book or record.” Nev. Rev. Stat. § 239.011(2). The
9 Fees Statute does not require a requester to demonstrate a governmental entity acted in bad
10 faith; it only requires that the requester prevail.

11 52. Because the Fees Statute is clear on its face, this court “cannot go beyond
12 the statute in determining legislative intent.” *State v. Lucero*, 127 Nev. 92, 95, 249 P.3d
13 1226, 1228 (2011) (citation and internal quotation marks omitted); *see also Robert E. v.*
14 *Justice Court*, 99 Nev. 443, 445, 664 P.2d 957, 959 (1983) (same); *see also State v. Catanio*,
15 120 Nev. 1030, 1033, 102 P.3d 588, 590 (2004) (“We must attribute the plain meaning to a
16 statute that is not ambiguous.”); *see also Coast Hotels & Casinos, Inc. v. Nevada State*
17 *Labor Comm’n*, 117 Nev. 835, 840, 34 P.3d 546, 550 (2001) (“When the language of a
18 statute is plain and unambiguous, a court should give that language its ordinary meaning
19 and not go beyond it.”)

20 53. Second, the separate Damages Immunity Statute only provides for
21 immunity from *damages*—not immunity from fees. *See* Nev. Rev. Stat. § 239.012
22 (specifying that a public officer or his or her employer are “immune from liability for
23 damages, either to the requester or to the person whom the information concerns”). Damages
24 and fees are different. *See, e.g., Sandy Valley Assocs. v. Sky Ranch Estates Owners Ass’n*,
25 117 Nev. 948, 956 35 P.3d 964, 968 (2001) (comparing procedure for seeking attorney’s
26 fees as a cost of litigation with fees sought as special damages pursuant to Nev. R. Civ. P.
27 9(g)); *see also Carolina Cas. Ins. Co. v. Merge Healthcare Sols. Inc.*, 728 F.3d 615, 617
28 (7th Cir. 2013) (noting that “an award of attorneys’ fees differs from ‘damages’”); *see also*

1 *United Labs., Inc. v. Kuykendall*, 335 N.C. 183, 437 S.E.2d 374 (1993) (noting that attorney
2 fees may be awarded for unfair practice, while punitive damages are awarded for tort based
3 on same conduct).

4 54. Third, the Damages Immunity Statute specifically only refers to immunity
5 for actions of “[a] public officer or employee,” (i.e., an individual), whereas the Fees Statute
6 makes “governmental entit[ies]” liable for fees for failing to disclose records. Nev. Rev.
7 Stat. § 239.011(2).

8 55. Nev. Rev. Stat. § 239.005(5) defines “governmental entity” as follows:

9 (a) An elected or appointed officer of this State or of a political subdivision
10 of this State;

11 (b) An institution, board, commission, bureau, council, department,
12 division, authority or other unit of government of this State, including,
13 without limitation, an agency of the Executive Department, or of a political
14 subdivision of this State;

15 (c) A university foundation, as defined in NRS 396.405; or

16 (d) An educational foundation, as defined in NRS 388.750, to the extent that
17 the foundation is dedicated to the assistance of public schools.

18 56. The officers and employees whose “good faith” actions are subject to
19 immunity pursuant to the Damages Immunity Statute are not governmental entities. In
20 contrast, the Respondent (in this case, CCSD) is a “governmental entity” within the meaning
21 of Nev. Rev. Stat. § 239.005(5) and is therefore responsible for fees pursuant to the Fees
22 Statute. Thus, the difference in terms between the Fees Statute and the Damages Immunity
23 Statute supports not reading a “good faith” requirement from the separate Damages
24 Immunity Statute into the Fees Statute.

25 57. Fourth, the Damages Immunity Statute provides immunity to public
26 officers or employees for disclosing *or* refusing to disclose public records, whereas a
27 prevailing party’s entitlement to fees and costs under Nev. Rev. Stat. § 239.011(2) attaches
28 only in those instances where a requester successfully petitions court after a governmental
entity refuses to disclose public records. This fact further urges against reading a “good
faith” requirement from the separate Damages Immunity Statute into the Fees Statute.

///

1 58. Fifth, it is not necessary to read a good faith requirement into the Fees
2 Statute to reconcile it with the separate Damages Immunity Statute. This is so because the
3 good faith provision applies to an entirely different matter than the attorney fees and costs
4 provision. As set forth above, the Damages Immunity Statute addresses when a public
5 officer or employee (and his or her employer) is immune from *damages to anyone* for
6 *producing* records or for failing to produce records if the *officer or employee* acted in good
7 faith. In contrast, the Fees Statute sets forth when a *governmental entity* is responsible to a
8 *requester* for fees and costs in a petition to obtain records. *See Coast Hotels & Casinos, Inc.*
9 *v. Nevada State Labor Comm'n*, 117 Nev. 835, 841, 34 P.3d 546, 550 (2001) (“Courts must
10 construe statutes to give meaning to all of their parts and language, and this court will read
11 each sentence, phrase, and word to render it meaningful within the context of the purpose
12 of the legislation.”) (citation omitted) (emphasis added).

13 59. Sixth, reading a “good faith” exception into the Fees Statute would be
14 inconsistent with the legislative mandates regarding interpretation of the NPRA, which
15 specifically sets forth “[l]egislative findings and declaration.” Nev. Rev. Stat. § 239.001.
16 Nev. Rev. Stat. § 239.001(1) explains that “[t]he purpose of [the NPRA] is to foster
17 democratic principles by providing members of the public with access to inspect and copy
18 public books and records to the extent permitted by law.” Nev. Rev. Stat. § 239.001(2) and
19 (3) in turn provide that “[t]he provisions of this chapter must be construed liberally to carry
20 out this important purpose;” and that “[a]ny exemption, exception or balancing of interests
21 which limits or restricts access to public books and records by members of the public must
22 be construed narrowly.” Reading a good faith limitation into the Fees Statute would be
23 inconsistent with these mandates, and would hinder access to records by making it more
24 expensive for requesters to seek court redress when governmental entities fail to produce
25 public records.

26 60. Further, a strict reading of the Fees Statute (one without a good faith
27 exception read into it) is more in keeping in with the policy favoring access expressed in the
28 NPRA as well as the provision allowing for a court remedy upon a governmental entity’s

1 failure to produce public records. *See McKay v. Bd. of Sup'rs of Carson City*, 102 Nev. 644,
2 651, 730 P.2d 438, 443 (1986) "(We conclude a strict reading of the statute is more in
3 keeping with the policy favoring open meetings expressed in NRS chapter 241 and the spirit
4 of the Open Meeting Law...)".

5 61. Accordingly, the Review-Journal, which prevailed in this litigation, is
6 entitled to its reasonable attorney's costs and fees that it expended in this matter to obtain
7 public records from CCSD, regardless of whether CCSD acted in "good faith."

8 ***The Review-Journal's Requested Fees and Costs Are Reasonable, and the Brunzell***
9 ***Factors Support a Full Award of Fees and Costs to the Review-Journal***

10 62. As noted above, the Review-Journal is entitled to its "reasonable"
11 attorney's fees and costs in this matter.

12 63. Pursuant to *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 455 P.2d 31
13 (1969), a court must consider four elements in determining the reasonable value of
14 attorneys' services:

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

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

25 64. The Court has carefully reviewed and considered the motion for fees,
26 supporting detail of work performed and costs, and supporting declarations in light of the
27 *Brunzell* factors in determining an appropriate award of fees and costs to the Review-
28 Journal.

65. The Court has also carefully reviewed the Review-Journal's Supplement
to Motion for Attorney's Fees and Costs, the supporting detail of work performed and costs,
and supporting declaration.

1 66. As to the first factor, the “qualities of the advocate,” the Court finds that
2 the rates sought are reasonable in light of their ability, training, education, experience,
3 professional standing and skill. The rates sought for staff are also reasonable, and
4 compensable.

5 67. The Court also finds that the second *Brunzell* factor, the “character of the
6 work” performed in this case, *Brunzell*, 85 Nev. at 349, 455 P.2d at 33, weighs in favor of
7 a full award of fees and costs to the Review-Journal.

8 68. This case involved analysis and application of the NPRA, as well as a
9 careful consideration of protecting the rights and interests of CCSD employees and
10 balancing these rights and interests against the public’s right to information regarding
11 alleged misconduct by an elected official. Further, because CCSD borrowed from a number
12 of areas of law to argue the requested records were confidential, counsel for the Review-
13 Journal was required to perform extensive research of state and federal case law to
14 effectively litigate this matter. And, as the NPRA reflects, the work involved in seeking
15 access to public records is important: access to public records fosters democratic principles.
16 Nev. Rev. Stat. § 239.001(1). Representing the newspaper of record also necessarily
17 involves a high level of responsibility and immediate attention. Further, NPRA matters
18 involve matters of high prominence.

19 69. As to the third factor, the work actually performed by counsel, the Court
20 finds that counsel for the Review-Journal exercised appropriate discretion in the time and
21 attention they dedicated to litigating this matter, and how they structured work in this matter.
22 Review-Journal counsel deducted or omitted entries where appropriate.

23 70. Further, counsel necessarily had to dedicate significant time in this case
24 due both to its character and due to the fact CCSD asserted numerous purported bases for
25 refusing to provide public records.

26 71. Thus, this factor weighs in favor of a full award of costs and fees to the
27 Review-Journal.
28

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

73. As set forth above, the Review-Journal is the prevailing party in this public records litigation, and as a result of its counsel’s efforts, obtained an order from this Court directing CCSD to produce the requested records pertaining to its investigation of Trustee Kevin Child.

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

75. Having considered the *Brunzell* factors, and having considered the papers and pleadings on file in this matter, including the documentation provided by the Review-Journal in support of its Motion for Attorney’s Fees and Costs, the Court finds the Review-Journal is entitled to all its attorney’s fees and costs through January 11, 2018 in the sum of \$125,241.37.

CCSD Did Not Act in Bad Faith

76. Under the facts of this case, the Court finds that CCSD did not act in bad faith in declining to provide the requested records to the Review-Journal.

III.

ORDER

77. Based on the foregoing findings of fact and conclusions of law, the Court hereby ORDERS that CCSD must pay the Review-Journal \$125,241.37 to compensate it for the costs and reasonable attorney’s fees it expended through January 11, 2018 in litigating this matter.

78. Nothing in this Order precludes the Review-Journal from seeking compensation for fees and costs incurred after January 11, 2018 if appropriate upon conclusion of the appeal in this matter.

///

///

1 79. Further, the Court hereby ORDERS that the Review-Journal's Motion to
2 Find CCSD in Bad Faith is DENIED.

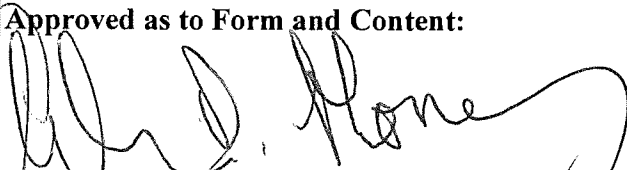
3 IT IS SO ORDERED this 1st day of March, 2018.

4
5
6 
7 HONORABLE JUDGE TIMOTHY C. WILLIAMS
8 

9 Respectfully submitted,

10
11 
12 Margaret A. McLetchie, Nevada State Bar No. 10931
13 Anna M. Shell, Nevada State Bar No. 11711
14 MCLETCHE SHELL, LLC
15 701 E. Bridger Avenue, Suite 520
16 Las Vegas, NV 89101
17 Telephone: (702) 728-5300
18 Fax: (702) 425-8220
19 Email: maggie@nvlitigation.com
20 *Counsel for Petitioner, Las Vegas Review-Journal*

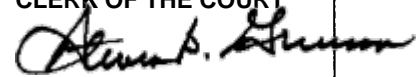
21 **Approved as to Form and Content:**

22 
23 Carlos McDade, Nevada State Bar No. 11205
24 Adam Honey, Nevada State Bar No. 9588
25 CLARK COUNTY SCHOOL DISTRICT
26 OFFICE OF GENERAL COUNSEL
27 5100 W. Sahara Avenue
28 Las Vegas, NV 89146
Counsel for Respondent, Clark County School District

MCLETCHE SHELL

ATTORNEYS AT LAW
701 EAST BRIDGER AVE., SUITE 520
LAS VEGAS, NV 89101
(702) 728-5300 (T) / (702) 425-8220 (F)
WWW.NVLITIGATION.COM

EXHIBIT 4



Marquis Aurbach Coffing
Micah S. Echols, Esq.
Nevada Bar No. 8437
Jackie V. Nichols, Esq.
Nevada Bar No. 14246
10001 Park Run Drive
Las Vegas, Nevada 89145
mechols@maclaw.com
jnichols@maclaw.com

Steven B. Wolfson
District Attorney
Laura C. Rehfeldt
Deputy District Attorney
Nevada Bar No. 5101
500 South Grand Central Pkwy, 5th Flr.
P.O. Box 552215
Las Vegas, Nevada 89155-2215
Telephone: (702) 455-4761
Facsimile: (702) 382-5178
laura.rehfeldt@clarkcountynvda.com

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

DISTRICT COURT

CLARK COUNTY, NEVADA

LAS VEGAS REVIEW-JOURNAL and THE
ASSOCIATED PRESS,

Petitioners,

vs.

CLARK COUNTY OFFICE OF THE
CORONER/MEDICAL EXAMINER,

Respondent.

Case No.: A-17-764842-W
Dept. No.: XVI

**ORDER GRANTING PETITIONERS' MOTION FOR ATTORNEY'S FEES AND
COSTS**

The Las Vegas Review-Journal ("Review-Journal") and The Associated Press's ("The AP"; collectively, the "Petitioners") Motion for Attorney's Fees and Costs, having come on for hearing on May 15, 2018, the Honorable Timothy C. Williams presiding, Petitioners appearing by and through their counsel, Margaret A. McLetchie, and Respondent the Clark County Office of the Coroner/Medical Examiner (the "Coroner's Office") appearing by and through its counsel Jackie V. Nichols, and the Court having read and considered all of the papers and pleadings on file

herein and being fully advised, and good cause appearing therefore, the Court makes the following findings of fact and conclusions of law:

PROCEDURAL HISTORY AND FINDINGS OF FACT

I. THE RECORDS REQUESTS AND THE CORONER'S OFFICE'S RESPONSES

1. On October 3, 2017, the Review-Journal submitted a public records request to the Clark County Coroner/Office of the Medical Examiner (the "Coroner's Office") pursuant to the Nevada Public Records Act, Nev. Rev. Stat. § 239.001 *et seq.* (the "NPRA") for autopsy reports for the 58 victims of the mass shooting that occurred on October 1, 2017 at the Route 91 Harvest Country Music Festival ("1 October"), as well as the autopsy report for the shooter, Stephen Paddock.

2. On October 9, 2017, the Coroner's Office denied the Review-Journal's request, citing *Donrey of Nevada v. Bradshaw*, 106 Nev. 630, 798 P.2d 144 (1990), the Freedom of Information Act, 5 U.S.C. § 552(b)(7) ("FOIA"), and Assembly Bill 57, 79th Sess. (Nev. 2017) as the bases for its refusal.

3. Additionally, on October 9, 2017, the Review-Journal requested the Coroner's Office produce the following public records:

- Information regarding "the status of the various records that have been or will be completed" related to Stephen Paddock;
- "[C]opies of any records that pertain to or reflect the types of records that would be prepared by the [C]oroner's [O]ffice in a case such as this and the general process that is followed"; and
- Copies of all other media requests for records pertaining to Stephen Paddock or the victims, as well as the Coroner's Office's responses to those requests.

4. On October 13, 2017, counsel for the Coroner's Office responded to the Review-Journal's October 9, 2017 email request. Counsel for the Coroner's Office indicated she did not know the status of the reports and records.

5. On November 7, 2017, The AP also submitted a public records request to the Coroner's Office and Clark County asking for the autopsy reports for the 58 victims and shooter.

1 6. On November 15, 2017, Dan Kulin with the Clark County Office of Public
2 Communications responded to the Associated Press's request by email. In that email, Mr. Kulin
3 stated that he was "[w]orking on a response to [the] records request."

4 7. The AP received no further communication from Mr. Kulin regarding its request.

5 **II. THE LITIGATION**

6 8. On November 16, 2017, Petitioners submitted an application and petition
7 pursuant to Nev. Rev. Stat. § 239.011(1) asking the Court to issue a writ of mandamus directing
8 Respondent to produce the requested records.

9 9. The November 16, 2017 Petition also requested this Court find the Coroner's
10 Office acted in bad faith by refusing to produce the requested records. Petitioners submitted an
11 Opening Brief in support of their petition on December 8, 2017.

12 10. The Coroner's Office filed a Response to Petitioners' Petition and Opening Brief
13 on January 2, 2018.

14 11. Petitioners filed a Reply Brief on January 12, 2018, and an Errata and Corrected
15 Reply Brief on January 29, 2018.

16 12. The Court conducted a hearing on the Petition on January 30, 2018 and heard
17 oral argument from Petitioners and Respondent.

18 13. At that hearing, the Court orally granted Petitioners' application and petition. In
19 light of the specific and unprecedented nature of the 1 October events, the Court declined to find
20 that the Coroner's Office acted in bad faith.

21 14. A written order memorializing the Court's decision was entered on February 7,
22 2018.

23 **III. THE PARTIES' STIPULATION AGREEING THAT MARCH 9, 2018 IS THE**
24 **APPLICABLE DEADLINE**

25 15. On March 1, 2018, the parties executed a written stipulation (the "Stipulation")
26 and proposed order granting Petitioners until March 9, 2018 to file a motion for attorney's fees
27 and costs pursuant to Nev. Rev. Stat. § 239.011(2).

28 16. The Court signed the Order on March 1, 2018. A notice of entry of order
regarding the stipulation and order was entered on March 6, 2018.

1 **IV. PETITIONERS' TIMELY MOTION FILED ON MARCH 9, 2018; FURTHER**
2 **BRIEFING**

3 17. Petitioners filed their Motion for Attorney's Fees and Costs (the "Motion") on
4 March 9, 2018.

5 18. In the Motion and supporting exhibits, Petitioners requested compensation at the
6 following rates for work performed by its attorneys and support staff:

7

Attorney/Biller	Hours	Billing Rate	Total Billed
Margaret A. McLetchie	43.2	\$450.00	\$19,440.00
Alina M. Shell	27.8	\$350.00	\$9,730.00
Leo Wolpert	5.0	\$175.00/\$200.00	\$947.50
Pharan Burchfield	5.8	\$150.00	\$870.00
Administrative Support	3.0	\$35.00	\$96.00
		Total Fees Requested	\$31,083.50

14

15 19. Petitioners also requested \$789.53 in costs.

16 20. Petitioners provided detail for the work performed in the Motion, as well as
17 declarations supporting the reasonableness of the rates and the work performed.

18 21. The Coroner's Office filed an Opposition and Conditional Countermotion for
19 Stay Pending Appeal on April 30, 2018.

20 22. In its Opposition, the Coroner's Office asserted Petitioners' Motion for
21 Attorney's Fees and Costs was untimely and should be stricken from the record.

22 23. The Coroner's Office also asserted that because the Motion was putatively
23 untimely, this Court lacked jurisdiction to consider it.

24 24. The Coroner's Office also asserted that pursuant to Nev. Rev. Stat. § 239.012—a
25 provision of the NPRA which provides immunity from damages for public officers who act in
26 good faith in disclosing or refusing to disclose records—Petitioners had to establish the Coroner's
27 Office acted in bad faith in refusing to disclose the requested records to obtain attorney's fees and
28 costs.

1 25. The Coroner's Office additionally requested the Court enter a stay if it
2 determined Petitioners were entitled to an award of fees and costs.

3 26. Additionally, relying on Nev. Rev. Stat. § 18.110, the Coroner's Office asserted
4 Petitioners could not recover any costs because they had not submitted a memorandum of costs.

5 27. Petitioners filed a Reply to the Opposition on May 9, 2018 and subsequently
6 filed an Errata to their Reply on May 10, 2018.

7 28. The Coroner's Office filed a reply in Support of its Countermotion for Stay
8 Pending Appeal on May 14, 2018.

9 29. This Court conducted a hearing on Petitioners' Motion on May 15, 2018.

10 30. Pursuant to this Court's in-court order, on May 22, 2018. Petitioners submitted a
11 Supplement to their Motion for Attorney's Fees and Costs detailing the fees and costs Petitioners
12 expended after submitting the Motion.

13 31. In the Supplement and supporting exhibits, Petitioners indicated they incurred an
14 additional \$14,982.50 in attorney's fees and \$50.82 in costs. Combined with the fees and costs
15 detailed in the Motion, Petitioners have provided documentation and declarations to support their
16 request for a total award of \$46,906.35 in attorney's fees and costs.

17 32. The Coroner's Office filed an Opposition to Petitioner's Supplement on May 30,
18 2018. In its Opposition, the Coroner's Office asserted that Petitioners were not entitled to the
19 additional fees and costs outlined in their supplement because Petitioners had not applied the
20 *Brunzell*¹ factors to establish the reasonableness of the additional fees and costs, and had not
21 supplied supporting documentation for the additional costs. The Coroner's Office also asserted
22 that Petitioners had failed to comply with Nev. Rev. Stat. § 18.110 because they had not filed a
23 memorandum of costs.

24 33. The Court has not yet made a ruling on Petitioners' Supplemental Motion.

25 ///

26 ///

27 ///

28

¹ *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 455 P.2d 31 (1969).

CONCLUSIONS OF LAW**I. THE COURT RETAINS JURISDICTION ON THE MOTION FOR FEES.**

1. The Court finds that the Motion was timely filed pursuant to the terms of the written stipulation executed by the parties.

2. Eighth Judicial District Court Rule 7.50 provides that “[n]o agreement or stipulation between the parties or their attorneys will be effective unless the same shall, by consent, be entered in the minutes in the form of an order, or unless the same is in writing subscribed by the party against whom the same shall be alleged, or by the party’s attorney.” Conversely, this Rule means that a written stipulation entered by the parties or their attorneys is effective and binding on the parties. Here, as detailed above, the parties executed a stipulation setting March 9, 2018 as the deadline for Motion for Fees and Costs, and the Review-Journal submitted the Motion on that date.

3. The Court finds that it has jurisdiction over the Motion as a result of the stipulation entered into by the Parties.

II. LEGAL STANDARD FOR THE MANDATORY AWARD OF FEES AND COSTS IN NPRA CASES.

4. Recovery of attorney 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).

5. In this case, recovery of attorney’s fees is authorized by the NPRA, which provides in pertinent part that “[i]f the requester prevails [on a petition for public records], the requester is entitled to recover his or her costs and reasonable attorney’s fees in the proceeding from the governmental entity whose officer has custody of the book or record.” Nev. Rev. Stat. § 239.011(2).

6. Thus, pursuant to Nev. Rev. Stat. § 239.011(2) (the “Fees Statute”), a prevailing party is entitled to its reasonable fees and costs.

III. A PREVAILING PARTY NEED NOT ESTABLISH BAD FAITH.

7. There is no limitation on the entitlement to fees it contains other than the fact that the fees and costs be “reasonable.” The Fees Statute does not have any language requiring a

1 prevailing requester to demonstrate that a public officer or employee acted in bad faith in refusing
2 to disclose public records.

3 8. The fact that a separate statute, Nev. Rev. Stat. § 239.012 (the “Damages
4 Immunity Statute”), provides for immunity for good faith actions of public officers of employees
5 in responding to NPRA requests does not change the interpretation of the Fees Statute.

6 9. The language of the Fees Statute provides: if a requester prevails in an action to
7 obtain public records, “the requester is entitled to recover his or her reasonable costs and
8 attorney’s fees in the proceeding from the governmental entity whose officer has custody of the
9 book or record.” Nev. Rev. Stat. § 239.011(2). The Fees Statute does not require a requester to
10 demonstrate a governmental entity acted in bad faith; it only requires that the requester prevail.

11 10. Because the Fees Statute is clear on its face, this court “cannot go beyond the
12 statute in determining legislative intent.” *State v. Lucero*, 127 Nev. 92, 95, 249 P.3d 1226, 1228
13 (2011) (citation and internal quotation marks omitted); *see also Robert E. v. Justice Court*, 99
14 Nev. 443, 445, 664 P.2d 957, 959 (1983) (same); *State v. Catanio*, 120 Nev. 1030, 1033, 102 P.3d
15 588, 590 (2004) (“We must attribute the plain meaning to a statute that is not ambiguous.”); *Coast*
16 *Hotels & Casinos, Inc. v. Nevada State Labor Comm’n*, 117 Nev. 835, 840, 34 P.3d 546, 550
17 (2001) (“When the language of a statute is plain and unambiguous, a court should give that
18 language its ordinary meaning and not go beyond it.”)

19 11. The separate Damages Immunity Statute only provides for immunity from
20 damages—not immunity from fees. *See* Nev. Rev. Stat. § 239.012 (specifying that a public officer
21 or his or her employer are “immune from liability for damages, either to the requester or to the
22 person whom the information concerns”). Damages and fees are different. *See, e.g., Sandy Valley*
23 *Assocs. v. Sky Ranch Estates Owners Ass’n*, 117 Nev. 948, 956 35 P.3d 964, 968 (2001)
24 (comparing procedure for seeking attorney’s fees as a cost of litigation with fees sought as special
25 damages pursuant to Nev. R. Civ. P. 9(g)); *see also Carolina Cas. Ins. Co. v. Merge Healthcare*
26 *Sols. Inc.*, 728 F.3d 615, 617 (7th Cir. 2013) (noting that “an award of attorneys’ fees differs from
27 damages”); *see also United Labs., Inc. v. Kuykendall*, 335 N.C. 183, 437 S.E.2d 374 (1993)
28 (noting that attorney fees may be awarded for unfair practice, while punitive damages are
awarded for tort based on same conduct).

12. It is not necessary to read a good faith requirement into the Fees Statute to reconcile it with the separate Damages Immunity Statute. This is so because the good faith provision applies to an entirely different matter than the attorney fees and costs provision. As set forth above, the Damages Immunity Statute addresses when a public officer or employee (and his or her employer) is immune from *damages to anyone for producing* records or for failing to produce records if the *officer or employee* acted in good faith. In contrast, the Fees Statute sets forth when a *governmental entity* is responsible to a *requester* for fees and costs in a petition to obtain records). See *Coast Hotels & Casinos, Inc. v. Nevada State Labor Comm'n*, 117 Nev. 835, 841, 34 P.3d 546, 550 (2001) ("Courts must construe statutes to give meaning to all of their parts and language, and this court will read each sentence, phrase, and word to render it meaningful within the context of the purpose of the legislation.") (citation omitted) (emphasis added).

13. Accordingly, Petitioners are entitled to its reasonable attorney's costs and fees that it expended in this matter to obtain public records from the Coroner's Office, regardless of whether the Coroner's Office acted in "good faith."

IV. PETITIONERS' REQUESTED FEES AND COSTS ARE REASONABLE.

14. As noted above, Petitioners are entitled to their "reasonable" attorney's fees and costs in this matter.

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

(1) the qualities of the advocate: his ability, his training, education, experience, professional standing and skill; (2) the character of the work to be done: its difficulty, its intricacy, its importance, time and skill required, the responsibility 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.

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

16. The Court has carefully reviewed and considered the motion for fees, supporting detail of work performed and costs, and supporting declarations in light of the *Brunzell* factors in determining an appropriate award of fees and costs to Petitioners.

17. As to the first factor, the “qualities of the advocate,” the Court finds that the rates sought are reasonable in light of their ability, training, education, experience, professional standing and skill. The rates sought for staff are also reasonable, and compensable.

18. The Court also finds that the second *Brunzell* factor, the “character of the work” performed in this case, *Brunzell*, 85 Nev. at 349, 455 P.2d at 33, weighs in favor of a full award of fees and costs to Petitioners.

19. This case involved an unsettled and contentious area of public records law with serious legal questions of public importance. The Coroner’s Office asserted several claims of confidentiality requiring versatility and comfort with various areas of law. And, as the NPRA reflects, the work involved in seeking access to public records is important: access to public records fosters democratic principles. Nev. Rev. Stat. § 239.001(1). Representing the newspaper of record also necessarily involves a high level of responsibility and immediate attention. Further, given the unprecedented nature of the 1 October shooting and the intense public interest in learning more about this tragic event, this case involved matters of high prominence.

20. As to the third factor, the work actually performed by counsel, the Court finds that counsel for Petitioners exercised appropriate discretion in the time and attention they dedicated to litigating this matter, and how they structured work in this matter. Petitioners’ counsel deducted or omitted entries where appropriate.

21. Further, counsel necessarily had to dedicate significant time in this case due both to its character and because the Coroner’s Office asserted numerous purported bases for refusing to provide public records.

22. Thus, this factor weighs in favor of a full award of costs and fees to Petitioners.

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

24. As set forth above, Petitioners are the prevailing parties in this public records litigation, and as a result of its counsel’s efforts, obtained an order from this Court directing the Coroner’s Office to produce the requested autopsy records.

1 25. Thus, this final factor weighs in favor of an award of fees and costs to
2 Petitioners.

3 26. Additionally, the Court notes that the Coroner's Office did not object to the
4 hourly rates for Petitioners' attorneys and support staff, did not object to the number of hours
5 Petitioners' counsel and support staff dedicated to this matter, and did not make any specific
6 objections to any of the costs incurred by Petitioners. Pursuant to EJDC 2.20(e), failure of the
7 opposing party to serve and file written opposition may be construed as an admission that the
8 motion and/or joinder is meritorious and a consent to granting the same. Because the Coroner's
9 Office did not object to Petitioners' hours or rates and did not make any specific objection to
10 Petitioners' costs, the Court finds the Coroner's Officer has conceded that Petitioners' stated fees
and costs are reasonable.

11 27. Having considered the *Brunzell* factors and having considered the papers and
12 pleadings on file in this matter, including the documentation provided by Petitioners in support of
13 their Motion for Attorney's Fees and Costs, the Court finds Petitioners are entitled to their
14 attorney's fees and costs outlined in the initial motion in the sum of \$31,873.03.

15 **V. THE CORONER'S OFFICE IS ENTITLED TO A STAY PENDING APPEAL.**

16 28. As noted above, in its Opposition the Coroner's Office submitted a
17 Countermotion asking the Court to enter a stay if it determined Petitioners were entitled to an
18 award of attorney's fees and costs.

19 29. The Court finds that pursuant to the Nevada Supreme Court's
20 order in *Clark Cty. Office of Coroner/Med. Exam'r v. Las Vegas Review-Journal*, 134 Nev. Adv.
21 Op. 24, 415 P.3d 16 (2018), it is required to grant the Coroner's Office a stay of any order
22 granting Petitioners attorney's fees and costs in this matter.

23 30. Accordingly, the Coroner's Office Countermotion for a stay is GRANTED.

24 ///

25 ///

26 ///

27 ///

ORDER

Based on the foregoing findings of fact and conclusions of law, the Court hereby ORDERS that the Coroner's Office must pay Petitioners \$31,873.03 to compensate them for the costs and reasonable attorney's fees in litigating this matter.

Further, the execution of this judgment is stayed pending appeal by the Coroner's Office.

IT IS SO ORDERED this 3rd day of July, 2018.


DISTRICT COURT JUDGE

Prepared and submitted by:

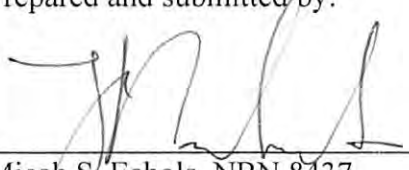
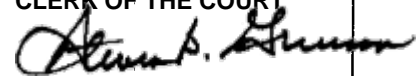

Micah S. Echols, NBN 8437
Jackie V. Nichols, NBN 14246
Marquis Aurbach Coffing
10001 Park Run Drive
Las Vegas, NV 89145
Counsel for Respondent

EXHIBIT 5



ORDR

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

Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Petitioner,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Respondent.

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

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

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

I. FINDINGS

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

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

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

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

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

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

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

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

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

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

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

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

12 10. The Court has carefully analyzed the *Brunzell* factors as follows:
13

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

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

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

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

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

II. ORDER

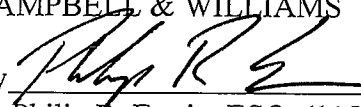
1. IT IS HEREBY ORDERED AND ADJUDGED that CIR's Motion for Attorneys' Fees and Costs is GRANTED.

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

DATED this 7 day of January, 2019.


HON. JUDGE ELIZABETH GONZALEZ

Respectfully submitted by:
CAMPBELL & WILLIAMS

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

Attorneys for Petitioner

Approved As To Form By:
MARQUIS AURBACH COFFING

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

Attorneys for Respondent

EXHIBIT 6

RECEIVED

JUL 10 2017

CITY ATTORNEY
CITY OF HENDERSON

Bailey Kennedy, LLP
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148
(702) 562-8820
Federal Tax ID: 20-3951680

As Of: 6/30/2017

Statement Date: 7/6/2017 Statement Number: 30503

**ATTORNEY-CLIENT
PRIVILEGE**

Henderson City Attorney
Josh M. Reid
240 Water Street
Henderson, NV 89015

10713-016 / Las Vegas Review-Journal

Professional Fees

	Hours	Rate	Amount
06/28/2017 KBS Review Notice of Assignment to NRAP 16 Settlement Program (.1). Conference with Dennis L. Kennedy regarding [REDACTED] (.1).	0.20	300.00	60.00
Sub-total Fees:			\$60.00

Rate Summary

Kelly B. Stout	0.20 hours at \$300.00/hr	60.00
Total hours:	0.20	

Expenses

	Units	Price	Amount
Document Reproduction	117.00	0.10	11.70
Sub-total Expenses:			\$11.70

Payments

06/23/2017 Payment ACH 00378362	155.50
Sub-total Payments:	\$155.50

INVOICE REVIEW/PAYMENT APPROVAL	
Routing Date: <u>7/10/17</u>	Reviewer: <u>JMR</u>
Review Date: _____	Initials: _____
Comments: <u>OK</u>	
City Attorney Review: <u>7/13</u>	<u>JMR</u>
Date	Initials

Total Current Billing:	\$71.70
Previous Balance Due:	\$155.50
Total Payments:	(\$155.50)
Total Now Due:	\$71.70

JA1105

ATTORNEY-CLIENT
PRIVILEGE

Bailey Kennedy, LLP
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148
(702) 562-8820
Federal Tax ID: 20-3951680

RECEIVED
AUG - 7 2017
CITY ATTORNEY
CITY OF HENDERSON

As Of: 7/31/2017

Statement Date: 8/2/2017 Statement Number: 30740

Henderson City Attorney
Josh M. Reid
240 Water Street
Henderson, NV 89015

10713-016 / Las Vegas Review-Journal

Professional Fees

		Hours	Rate	Amount
07/03/2017 DLK	Review and revise opposition to motion for attorneys' fees. Emails to client.	0.50	495.00	247.50
07/12/2017 KBS	Review Docketing Statement in preparation for conference call (.2). Telephone conference with Dennis L. Kennedy, Sarah E. Harmon, and City of Henderson regarding mediation (.5).	0.70	300.00	210.00
07/12/2017 SEH	Review Docketing Statement in preparation for conference call with client (0.25). Telephone conference with client regarding [REDACTED] (0.5).	0.70	495.00	346.50
07/19/2017 KBS	Pre-mediation telephone conference with Josh Reid, Brandon Kemble, Maggie McLetchie, and Jim Jimmerson (mediator) (.4).	0.40	300.00	120.00
07/31/2017 DLK	Review reply memorandum from LVRJ. Email with client. Begin preparation for argument of opposition to fees motion.	2.00	495.00	990.00

Sub-total Fees: \$1,914.00

Rate Summary

Sarah E. Harmon	0.70 hours at \$495.00/hr	346.50
Dennis L. Kennedy	2.50 hours at \$495.00/hr	1,237.50
Kelly B. Stout	1.10 hours at \$300.00/hr	330.00
Total hours:	<u>4.30</u>	

Expenses

	Units	Price	Amount
Document Reproduction	388.00	0.10	38.80
Sub-total Expenses:			<u>\$38.80</u>

Bailey Kennedy, LLP
Matter ID: 10713-016

Page Number 2
Statement No: 30740

Payments

07/27/2017 Payment ACH 00380933 00380936

71.70

Sub-total Payments: \$71.70

Total Current Billing: \$1,952.80

Previous Balance Due: \$71.70

Total Payments: (\$71.70)

Total Now Due: \$1,952.80

INVOICE REVIEW	
Routing Date: <u>8/1</u>	<u>JOSN</u>
Review Date: _____	_____
Comments: <u>okay</u>	_____
City Attorney Review: <u>8/5</u>	<u>JMR</u>
Date	Initial's

Bailey Kennedy, LLP
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148
(702) 562-8820
Federal Tax ID: 20-3951680

RECEIVED

SEP - 6 2017

CITY ATTORNEY
CITY OF HENDERSON

As Of 8/31/2017

Statement Date: 9/1/2017 Statement Number: 31084

Henderson City Attorney
Josh M. Reid
240 Water Street
Henderson, NV 89015

ATTORNEY-CLIENT
PRIVILEGE

10713-016 / Las Vegas Review-Journal

Professional Fees

		Hours	Rate	Amount
08/02/2017 DLK	Conference call with client regarding [REDACTED]. Preparation of memorandum from call regarding client concerns.	0.50	495.00	247.50
08/03/2017 DLK	Prepare to argue motion. Appear and argue opposition to motion for fees.	2.00	495.00	990.00
08/10/2017 DLK	Prepare for and attend pronouncement of decision. (Left after waiting 1.5 hours and Brian Reeve handled).	1.50	495.00	742.50

Sub-total Fees: \$1,980.00

Rate Summary

Dennis L. Kennedy	4.00 hours at \$495.00/hr	1,980.00
Total hours:	4.00	

Expenses

		Units	Price	Amount
08/03/2017	Courthouse Parking for Dennis L. Kennedy to Attend Motion to Aruge Attorney's Fee.	1.00	15.00	15.00
08/10/2017	Courthouse Parking for Dennis L. Kennedy to Attend Decision Re: Attorneys Fee Motion.	1.00	10.00	10.00
	Document Reproduction	236.00	0.10	23.60

Sub-total Expenses: \$48.60

Total Current Billing: \$2,028.60

Previous Balance Due: \$1,952.80

Total Now Due: \$3,981.40

INVOICE REVIEW/PAYMENT APPROVAL	
Routing Date: 9/6/17	Reviewer: JMR
Review Date: _____	Initials: _____
Comments: OK	
City Attorney Review: 9/7	JMR
Date	Initials

JA1108

RECEIVED

OCT - 4 2017

CITY ATTORNEY
CITY OF HENDERSON

Bailey Kennedy, LLP
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148
(702) 562-8820
Federal Tax ID: 20-3951680

ATTORNEY-CLIENT
PRIVILEGE

As Of: 9/30/2017

Statement Date: 10/3/2017 Statement Number: 31221

Henderson City Attorney
Josh M. Reid
240 Water Street
Henderson, NV 89015

10713-016 / Las Vegas Review-Journal

Professional Fees

		Hours	Rate	Amount
09/14/2017 DLK	Review proposed changes to proposed order regarding fees. Several emails with B. Kemble regarding [REDACTED].	0.50	495.00	247.50
09/22/2017 DLK	Review and revise supplemental settlement statement.	0.30	495.00	148.50
09/22/2017 DLK	Review materials regarding proposed order and submit to judge.	0.30	495.00	148.50
Sub-total Fees:				\$544.50

Rate Summary

Dennis L. Kennedy	1.10 hours at \$495.00/hr	544.50
Total hours:	1.10	

Expenses

	Units	Price	Amount
Document Reproduction	420.00	0.10	42.00
Sub-total Expenses:			\$42.00

Payments

09/28/2017 Payment	ACH 170927	1,952.80
Sub-total Payments:		\$1,952.80

Total Current Billing:	\$586.50
Previous Balance Due:	\$3,981.40
Total Payments:	(\$1,952.80)
Total Now Due:	\$2,615.10

RECEIVED

DEC - 4 2017

CITY ATTORNEY
CITY OF HENDERSON

Bailey Kennedy, LLP
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148
(702) 562-8820
Federal Tax ID: 20-3951680

As Of: 11/30/2017
Statement Date: 12/1/2017 Statement Number: 31590

Henderson City Attorney
Josh M. Reid
240 Water Street
Henderson, NV 89015

**ATTORNEY-CLIENT
PRIVILEGE**

10713-016 / Las Vegas Review-Journal

Professional Fees		Hours	Rate	Amount
11/01/2017 SEH	Draft sample Transcript Request Form, and email Brandon Kemble regarding same.	0.50	495.00	247.50
11/01/2017 DLK	Conference call with Brandon Kemble and Brian Reeve regarding [REDACTED] Conference with Sarah Harmon regarding [REDACTED]	0.50	495.00	247.50
11/17/2017 SEH	Telephone conference with Brian Reeve regarding [REDACTED] [REDACTED] (0.25). Email Brian Reeve regarding same (0.25).	0.50	495.00	247.50
11/29/2017 DLK	Review of opposition to motion for clarification. Emails with client.	0.50	495.00	247.50
Sub-total Fees:				\$990.00

Rate Summary

Sarah E. Harmon	1.00 hours at \$495.00/hr	495.00
Dennis L. Kennedy	1.00 hours at \$495.00/hr	495.00
Total hours:	2.00	

Expenses		Units	Price	Amount
11/29/2017	Electronic Filing Fee for City of Henderson's Opposition to Las Vegas Review Journal's Motion for Clarification.	1.00	3.50	3.50
	Document Reproduction	15.00	0.10	1.50
Sub-total Expenses:				\$5.00

Payments

11/09/2017	Payment	ACH	2,615.10
11/22/2017	Payment	ACH 171121	2,497.50
11/28/2017	Write-off	Adjustment	20.29

JA1110

Sub-total Payments: \$5,132.89

Total Current Billing:	\$995.00
Previous Balance Due:	\$5,132.89
Total Payments:	(\$5,132.89)
Total Now Due:	\$995.00

INVOICE REVIEW/PAYMENT APPROVAL	
Routing Date:	12/6/17
Reviewer:	JDSH
Review Date:	
Initials:	
Comments:	okay
City Attorney Review:	12/7
	JMR
	Date
	Initials

RECEIVED

NOV - 6 2017

CITY ATTORNEY
CITY OF HENDERSON

Bailey Kennedy, LLP
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148
(702) 562-8820
Federal Tax ID 20-3951680

As Of 10/31/2017

Statement Date 11/2/2017 Statement Number 31389

Henderson City Attorney
Josh M. Reid
240 Water Street
Henderson, NV 89015

ATTORNEY-CLIENT
PRIVILEGE

10713-016 / Las Vegas Review-Journal

Professional Fees

		Hours	Rate	Amount
10/09/2017 DLK	Review all briefs and memoranda. Prepare for mediation.	2.00	495.00	990.00
10/10/2017 DLK	Attend mediation. Numerous conferences with client regarding case	3.00	495.00	1,485.00
Sub-total Fees:				\$2,475.00

Rate Summary

Dennis L. Kennedy	5.00 hours at \$495.00/hr	2,475.00
Total hours:	5.00	

Expenses

	Units	Price	Amount
09/28/2017 Nationwide Legal Order No. NV97989 - Delivery of Supplement to Confidential Settlement Statement to Settlement Judge Jay Young.	1.00	22.50	22.50
Sub-total Expenses:			\$22.50

INVOICE REVIEW/PAYMENT APPROVAL

Routing Date: 11/6/17 Reviewer: JOSR

Review Date: _____ Initials: _____

Comments: OK

City Attorney Review: 11/15 JMR
Date Initials

Total Current Billing \$2,497.50

Previous Balance Due: \$2,615.10

Total Interest: \$20.29

Total Now Due: \$5,132.89

PAID

RECEIVED

FEB - 6 2018

Henderson City Attorney's Office

Bailey Kennedy, LLP
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148
(702) 562-8820
Federal Tax ID: 20-3951680

ATTORNEY-CLIENT
PRIVILEGE

As Of: 1/31/2018
Statement Date: 2/1/2018 Statement Number: 32023

Henderson City Attorney
Josh M. Reid
240 Water Street
Henderson, NV 89015

10713-016 / Las Vegas Review-Journal

Expenses

	Units	Price	Amount
01/03/2018 Electronic Filing Fee for Order.	1.00	3.50	3.50
01/04/2018 Electronic Filing Fee for Notice of Entry of Order.	1.00	3.50	3.50
Sub-total Expenses:			\$7.00

Payments

02/01/2018 Payment ACH 180131	2,050.60
Sub-total Payments:	\$2,050.60

Total Current Billing: \$7.00

Previous Balance Due: \$2,050.60

Total Payments: (\$2,050.60)

Total Now Due: \$7.00

INVOICE REVIEW/PAYMENT APPROVAL	
Routing Date: <u>2/6/18</u>	Reviewer: <u>Josh</u>
Review Date: _____	Initials: _____
Comments: <u>Okay</u>	
City Attorney Review: <u>2/9</u>	<u>JMR</u>
Date	Initials

JA1113

RECEIVED

JAN - 8 2018

CITY ATTORNEY
CITY OF HENDERSON

Bailey Kennedy, LLP

8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148
(702) 562-8820
Federal Tax ID: 20-3951680

As Of: 12/31/2017

Statement Date: 12/31/2017 Statement Number: 31841

**ATTORNEY-CLIENT
PRIVILEGE**

Henderson City Attorney
Josh M. Reid
240 Water Street
Henderson, NV 89015

10713-016 / Las Vegas Review-Journal

Professional Fees

		Hours	Rate	Amount
12/13/2017 DLK	Prepare for argument of opposition to motion for clarification. Conference with client. Argument of opposition to motion. Preparation of order denying motion.	4.00	495.00	1,980.00
Sub-total Fees:				\$1,980.00

Rate Summary

Dennis L. Kennedy	4.00 hours at \$495.00/hr	1,980.00
Total hours:	4.00	

Expenses

		Units	Price	Amount
12/13/2017	Courthouse Parking for Dennis L. Kennedy to Argue Motion for Clarification.	1.00	15.00	15.00
12/14/2017	Nationwide Legal Order No. NV108807 - Deliver order to Ms. Shell for signature, and delivered to Dept 18 (Phoenix Bldg) for Judge's signature.	1.00	27.00	27.00
	Document Reproduction	286.00	0.10	28.60
Sub-total Expenses:				\$70.60

Payments

12/20/2017	Payment	ACH 171220	995.00
Sub-total Payments:			\$995.00

Total Current Billing: \$2,050.60

Previous Balance Due: \$995.00

Total Payments: (\$995.00)

Total Now Due: \$2,050.60

JA1114

INVOICE REVIEW/PAYMENT APPROVAL	
Routing Date: <u>1/8/18</u>	Reviewer: <u>Josh</u>
Review Date: _____	Initials: _____
Comments: <u>Okay to pay</u>	
City Attorney Review: <u>1/11</u>	<u>LSM</u>
Date	Initials

RECEIVED

APR - 9 2018

Bailey Kennedy, LLP
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148
(702) 562-8820
Federal Tax ID: 20-3951680

Henderson City Attorney's Office

**ATTORNEY-CLIENT
PRIVILEGE**

As Of: 3/31/2018

Statement Date: 4/3/2018 Statement Number: 32455

Henderson City Attorney
Josh M. Reid
240 Water Street
Henderson, NV 89015

10713-016 / Las Vegas Review-Journal

Professional Fees

		Hours	Rate	Amount
03/14/2018 DLK	Analysis of fee award appeal. Telephone conference with client regarding [REDACTED]	1.50	495.00	742.50
03/15/2018 SEH	Review and revise Notice of Appeal and Case Appeal Statement for appeal of fee award.	0.30	495.00	148.50
03/15/2018 DLK	Review and revise Notice of Appeal Statement and Case Appeal Statement for appeal of fee award.	0.50	495.00	247.50
03/27/2018 SEH	Emails with Brian Reeve regarding [REDACTED] (0.25). Emails with Brian Reeves regarding [REDACTED] (0.25).	0.50	495.00	247.50
03/28/2018 DLK	Review emails and materials regarding appellate mediation. Review LVRJ submission of proposed order and strategy regarding response.	0.80	495.00	396.00
03/30/2018 AMC	Review case file and take notes for future work on appeals and discuss summary of the case with Sarah Harmon, including work to be done next.	2.00	300.00	600.00

Sub-total Fees: \$2,382.00

Rate Summary

Andrea Champion	2.00 hours at \$300.00/hr	600.00
Sarah E. Harmon	0.80 hours at \$495.00/hr	396.00
Dennis L. Kennedy	2.80 hours at \$495.00/hr	1,386.00
Total hours:	<u>5.60</u>	

JA1116

Bailey Kennedy, LLP
Matter ID: 10713-016

Page Number 2
Statement No: 32455

Expenses

Document Reproduction

Units	Price	Amount
38.00	0.10	3.80

Sub-total Expenses: \$3.80

Payments

03/15/2018 Payment ACH Credit

1,094.40

Sub-total Payments: \$1,094.40

Total Current Billing: \$2,385.80

Previous Balance Due: \$1,094.40

Total Payments: (\$1,094.40)

Total Now Due: \$2,385.80

INVOICE REVIEW/PAYMENT APPROVAL	
Routing Date: <u>4/11/18</u>	Reviewer: <u>John</u>
Review Date: <u>4/18/18</u>	Initials: <u>OK</u>
Comments: <u>Review verified time/work</u>	
City Attorney Review: <u>4/18/18</u>	<u>(Signature)</u> for
Date	Initials

RECEIVED

MAR - 5 2018

Bailey Kennedy, LLP
 8984 Spanish Ridge Avenue
 Las Vegas, Nevada 89148
 (702) 562-8820
 Federal Tax ID: 20-3951680

Henderson City Attorney's Office

As Of: 2/28/2018

Statement Date: 3/2/2018 Statement Number: 32359

Henderson City Attorney
 Josh M. Reid
 240 Water Street
 Henderson, NV 89015

**ATTORNEY-CLIENT
 PRIVILEGE**

10713-016 / Las Vegas Review-Journal

Professional Fees

	Hours	Rate	Amount
02/16/2018 KBS Legal research regarding [REDACTED]	0.30	300.00	90.00
02/21/2018 DLK Review and analysis of LVRJ's opening brief. Emails regarding [REDACTED]	2.00	495.00	990.00
Sub-total Fees:			\$1,080.00

Rate Summary

Dennis L. Kennedy	2.00 hours at \$495.00/hr	990.00
Kelly B. Stout	0.30 hours at \$300.00/hr	90.00
Total hours:	2.30	

Expenses

	Units	Price	Amount
02/15/2018 Electronic Filing Fee for Order.	1.00	3.50	3.50
02/15/2018 Electronic Filing Fee for Notice of Entry of Order.	1.00	3.50	3.50
Document Reproduction	74.00	0.10	7.40
Sub-total Expenses:			\$14.40

Payments

02/22/2018 Payment ACH	7.00	
Sub-total Payments:		\$7.00

INVOICE REVIEW/PAYMENT APPROVAL

Routing Date: 3/5/18 Reviewer: JMR

Review Date: Initials:

Comments: JMR

City Attorney Review: 3/6 JMR
 Date Initials

Total Current Billing: \$1,094.40

Previous Balance Due: \$7.00

Total Payments: (\$7.00)

Total Now Due: \$1,094.40

JA1118

RECEIVED

MAY - 7 2018

Henderson City Attorney's Office

Bailey Kennedy, LLP
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148
(702) 562-8820
Federal Tax ID: 20-3951680

ATTORNEY-CLIENT
PRIVILEGE

As Of 4/30/2018

Statement Date: 5/1/2018 Statement Number: 32737

Henderson City Attorney
Josh M. Reid
240 Water Street
Henderson, NV 89015

10713-016 / Las Vegas Review-Journal

Professional Fees

		Hours	Rate	Amount
04/03/2018 SEH	Emails with Brian Reeve regarding [REDACTED] (0.2). Legal research regarding [REDACTED] (0.5). Conference with Dennis L. Kennedy regarding same (0.2). Conference with Andrea M. Champion regarding [REDACTED] (0.2). Emails with Brian Reeve regarding [REDACTED] (0.2). Begin reviewing and revising settlement statement (1.5). Review and revise Motion to Stay (2.4). Conference with Andrea M. Champion regarding revisions to Motion to Stay (0.2). Review and revise second draft of Motion to Stay (0.5). Emails with Andrea M. Champion regarding [REDACTED] (0.2).	6.10	495.00	3,019.50
04/03/2018 AMC	Discuss motion for stay with Sarah Harmon, draft motion for stay, multiple rounds of edits to the same, pull all exhibits in support, draft the declaration in support, email correspondence with client regarding filing of the same, and finalize the motion for filing.	5.00	300.00	1,500.00

04/04/2018	SEH	Emails with Brian Reeve and Andrea M. Champion regarding finalization of Motion to Stay Proceedings (0.2). Review, revise, and cite-check draft Settlement Statement (2.5). Emails with Brian Reeve regarding [REDACTED] (0.2). Legal research regarding [REDACTED] (0.8).	3.70	495.00	1,831.50
04/05/2018	SEH	Continued legal research regarding [REDACTED] (1.0). Conference with Dennis L. Kennedy regarding same (0.2). Legal research regarding [REDACTED] (1.5). Final review of settlement statement and preparation for submission (1.7).	4.40	495.00	2,178.00
04/09/2018	AMC	Prepare docketing statement, discuss the same with Sarah E. Harmon, multiple emails with the client regarding the same, revise per the client's comments and finalize the same for filing.	2.00	300.00	600.00
04/09/2018	SEH	Conference with Andrea M. Champion regarding status of Docketing Statement and case strategy for hearing on motion to stay, and email Andrea M. Champion and Josephine Baltazar regarding hearing binder (0.3). Review and revise Docketing Statement (0.7). Emails with Brian Reeve regarding [REDACTED] (0.2).	1.20	495.00	594.00
04/09/2018	DLK	Emails and drafts of mediation memorandum.	0.50	495.00	247.50
04/10/2018	SEH	Emails with Andrea M. Champion regarding [REDACTED] (0.2). Review Opposition to Motion for Stay (0.3). Conference with Dennis L. Kennedy regarding same (0.2). Emails with Brian Reeve regarding [REDACTED] (0.3).	1.00	495.00	495.00
04/10/2018	AMC	Analyze the Review Journal's opposition to our motion for stay, conduct legal research on the cases cited therein, and discuss strategy for tomorrow's hearing with Sarah E. Harmon and Dennis L. Kennedy.	2.00	300.00	600.00
04/10/2018	DLK	Review all pleadings and documents. Prepare for argument of motion to stay.	1.00	495.00	495.00

04/11/2018 SEH	Review and finalize Docketing Statement and exhibits (0.2). Conference with Dennis L. Kennedy and Andrea M. Champion regarding hearing on motion to stay (0.2). Multiple emails with clients regarding [REDACTED] (0.1). Telephone conference with Supreme Court mediator regarding appeal of fee award (0.5). Conference with Dennis L. Kennedy regarding strategy for call with mediator (0.2).	1.20	495.00	594.00
• 04/11/2018 AMC	Attend hearing on the motion for stay, travel to/from the same, exchange email correspondence with the client regarding the Court's decision to grant the motion for stay (including how the proposed order on the same will be drafted), and draft the proposed order granting the same.	3.20	300.00	960.00
04/11/2018 DLK	Prepare for argument of motion for stay. Argue motion for stay.	2.00	495.00	990.00
04/11/2018 DLK	Telephone conference with Brian Reeve and Brandon Kemble regarding [REDACTED]. Conference with Sarah E. Harmon regarding mediation.	0.30	495.00	148.50
04/17/2018 SEH	Review and revise draft Answering Brief, and email Brian Reeve regarding revisions thereto.	5.50	495.00	2,722.50
04/17/2018 AMC	Email correspondence with opposing counsel regarding proposed order granting the client's Motion for Stay pending appeal.	0.20	300.00	60.00
04/17/2018 AMC	Begin to review and analyze the draft Answering Brief on the appeal from dismissal and provide suggested changes to the same (focusing on the introduction through mootness argument).	1.00	300.00	300.00
04/18/2018 AMC	Finish analyzing the draft Answering Brief (picking up on the mootness argument) and provide suggested comments and changes to the same.	2.70	300.00	810.00
04/23/2018 SEH	Review, revise, format, and finalize the caption, disclosure statement, table of authorities, and table of contents for Answering Brief (1.5). Revise and update citations in Answering Brief (1.0).	2.50	495.00	1,237.50
04/23/2018 DLK	Several emails regarding case. Review and revise Answering Brief. Conference with Sarah E. Harmon regarding reply brief.	2.00	495.00	990.00

Sub-total Fees: \$20,373.00

Rate Summary

Andrea Champion	16.10 hours at \$300.00/hr	4,830.00
Sarah E. Hammon	25.60 hours at \$495.00/hr	12,672.00
Dennis L. Kennedy	5.80 hours at \$495.00/hr	2,871.00
Total hours:	47.50	

Expenses

	Units	Price	Amount
04/04/2018 Nationwide Legal Order No. NV125601 - Hot Delivery, 2 hours, related to NV125604 - Pick up signed Declaration from Brian Reeve's office and attach to Bailey Kennedy's Motion for Stay. Scan and email a copy to Bailey Kennedy before delivering to Dept. 18.	1.00	46.00	46.00
04/05/2018 Nationwide Legal Order No. NV125604 - Hot Filing, 2 hours, related to NV125601 - Deliver Motion for Stay (with signed Declaration from Brian Reeve's office) to Dept. 18 for filing.	1.00	40.00	40.00
04/05/2018 Electronic Filing Fee for City of Henderson's Motion for Stay Pending Resolution of Nevada Supreme Court Appeal, on Application for Shortening Time.	1.00	3.50	3.50
04/06/2018 Electronic Filing Fee for Receipt of Copy of City of Henderson's Motion for Stay Pending Resolution of Nevada Supreme Court Appeal, on Application for Order Shortening Time.	1.00	3.50	3.50
04/11/2018 Courthouse Parking Andrea M. Champion to attend Hearing on Motion for Stay.	1.00	9.00	9.00
04/11/2018 Courthouse Parking for Dennis L. Kennedy to argue Motion to Stay.	1.00	12.00	12.00
04/23/2018 Nationwide Legal Order No. NV128502 - Retrieve signed Proposed Order from McLetchie Shell and deliver to Bailey Kennedy.	1.00	24.00	24.00
Document Reproduction	821.00	0.10	82.10
Sub-total Expenses:			\$220.10

Total Current Billing: \$20,593.10

Previous Balance Due: \$2,385.80

Total Now Due: \$22,978.90

INVOICE REVIEW/PAYMENT APPROVAL	
Routing Date: <u>5/14/18</u>	Reviewer: <u>MTD</u>
Review Date: _____	Initials: <u>BAK</u>
Comments: _____	

City Attorney Review: <u>7/10/19</u>	<u>(h)</u>
Date	Initials

RECEIVED

JUN - 6 2018

Bailey Kennedy, LLP
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148
(702) 562-8820
Federal Tax ID: 20-3951680

Henderson City Attorney's Office

As Of: 5/31/2018
Statement Date: 6/4/2018 Statement Number: 32899

Henderson City Attorney
Josh M. Reid
240 Water Street
Henderson, NV 89015

ATTORNEY-CLIENT
PRIVILEGE

10713-016 / Las Vegas Review-Journal

Expenses

	Units	Price	Amount
05/21/2018 Electronic Filing Fee for Notice of Entry of Order.	1.00	3.50	3.50
05/21/2018 Electronic Filing Fee for Order Regarding Motion for Stay and Counter-Motion for Order to Show Cause.	1.00	3.50	3.50
Sub-total Expenses:			\$7.00

Payments

05/18/2018 Payment ACH 180516	2,385.80
Sub-total Payments:	\$2,385.80

Total Current Billing: \$7.00

Previous Balance Due: \$22,978.90

Total Payments: (\$2,385.80)

Total Now Due: ~~\$20,600.10~~

INVOICE REVIEW/PAYMENT APPROVAL	
Routing Date: <u>6/13</u>	Reviewer: <u>MJD</u>
Review Date: _____	Initials: _____
Comments: _____	

City Attorney Review: <u>6/2/18</u>	<u>MD</u>
Date	Initials

JA1123

RECEIVED

SEP 11 2018

Bailey Kennedy, LLP
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148
(702) 562-8820
Federal Tax ID: 20-3951680

Henderson City Attorney's Office

As Of: 8/31/2018

Statement Date: 9/5/2018 Statement Number: 33578

ATTORNEY-CLIENT
PRIVILEGE

Henderson City Attorney
Nicholas G. Vaskov
240 Water Street
Henderson, NV 89015

10713-016 / Las Vegas Review-Journal

Professional Fees

		Hours	Rate	Amount
08/09/2018 SEH	Review Las Vegas Review Journal's Reply Brief for appeal (1.8). Review Henderson's mediation statement in preparation for conference call with client and in preparation for mediation (1.0).	2.80	495.00	1,386.00
08/09/2018 DLK	Review mediation brief. Prepare for telephone conference with Client. Telephone conference with Client regarding [REDACTED]	0.80	495.00	396.00
08/14/2018 SEH	Review briefs in preparation for Mediation (0.3) Attend mediation with Ishi Kunin (3.5).	3.80	495.00	1,881.00
08/14/2018 DLK	Read all materials and prepare for mediation. Attend mediation. Numerous conferences with client regarding [REDACTED]	2.00	495.00	990.00
08/20/2018 SEH	Emails with Brian Reeve regarding [REDACTED] [REDACTED] (0.1) Gather samples of Motion to Consolidate Appeals and Request for Transcripts signaling no transcripts needed, in preparation for conference call (0.3). Review Nevada Rules of Appellate Procedure regarding briefing of cross-appeals, in preparation for conference call (0.1).	0.50	495.00	247.50

Bailey Kennedy, LLP
Matter ID: 10713-016

Page Number 2
Statement No: 33578

08/21/2018 SEH	Telephone conference with Brian Reeve and Brandon Kemble regarding [REDACTED] [REDACTED] (0.4) Gather sample Transcript Request forms for Brian Reeves (0.2). Email sample documents to Brian Reeve and Brandon Kemble (0.1).	0.70	495.00	346.50
----------------	---	------	--------	--------

Sub-total Fees: \$5,247.00

Rate Summary

Sarah E. Harmon	7.80 hours at \$495.00/hr ✓	3,861.00
Dennis L. Kennedy	2.80 hours at \$495.00/hr ✓	1,386.00
Total hours:	10.60	

Expenses

	Units	Price	Amount
Document Reproduction	563.00	0.10	56.30
Sub-total Expenses:			\$56.30

Payments

07/16/2018	Payment	ACH	206.13
07/26/2018	Payment	ACH	20,593.10
Sub-total Payments:			\$20,799.23

Total Current Billing \$5,303.30

Previous Balance Due: \$20,799.23

Total Payments: (\$20,799.23)

Total Now Due: \$5,303.30

INVOICE REVIEW/PAYMENT APPROVAL	
Routing Date: <u>9/17/18</u>	Reviewer: <u>Reeve</u>
Review Date: <u>5/18</u>	Initials: <u>BR</u>
Comments: _____	
City Attorney Review: <u>9/29/18</u>	<u>NRV</u>
Date	Initials

RECEIVED

JUL - 9 2018

Henderson City Attorney's Office

Bailey Kennedy, LLP
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148
(702) 562-8820
Federal Tax ID: 20-3951680

ATTORNEY-CLIENT
PRIVILEGE

As Of: 6/30/2018

Statement Date: 7/3/2018 Statement Number: 33188

Henderson City Attorney
Josh M. Reid
240 Water Street
Henderson, NV 89015

10713-016 / Las Vegas Review-Journal

Expenses

	Units	Price	Amount
Document Reproduction	2.00	0.10	0.20
Sub-total Expenses:			\$0.20

Payments

06/28/2018	Payment	ACH Deposit	7.00
Sub-total Payments:			\$7.00

Total Current Billing \$0.20

Previous Balance Due: \$20,600.10

Total Payments: (\$7.00)

Total Interest: \$205.93

Total Now Due: \$20,799.23

INVOICE REVIEW/PAYMENT APPROVAL	
Routing Date: <u>7/10/18</u>	Reviewer: <u>Reeve</u>
Review Date: <u>7/10/18</u>	Initials: <u>JR</u>
Comments: <u>I approve these charges</u>	
City Attorney Review: <u>7/10/18</u>	<u>AD</u>
Date	Initials

RECEIVED

DEC -6 2018

Bailey Kennedy, LLP
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148
(702) 562-8820
Federal Tax ID: 20-3951680

Henderson City Attorney's Office

As Of: 11/30/2018
Statement Date: 12/4/2018 Statement Number: 34138

ATTORNEY-CLIENT
PRIVILEGE

Henderson City Attorney
Nicholas G. Vaskov
240 Water Street
Henderson, NV 89015

10713-016 / Las Vegas Review-Journal

Professional Fees	Hours	Rate	Amount
11/10/2018 SEH Review and revise Opening Brief for appeal of fees award, and email Brian Reeve regarding same.	1.90	495.00	940.50
11/13/2018 SEH Conference with Dennis L. Kennedy regarding [REDACTED]	0.20	495.00	99.00
11/14/2018 SEH Review Indexes to Appendix.	0.20	495.00	99.00
11/15/2018 SEH Revise caption to appellate brief for fee appeal (0.2). Revise NRAP 26.1 disclosure statement to comply with NRAP formatting requirements (0.8). Revise and edit appellate brief to comply with Supreme Court's line spacing and formatting requirements (0.7). Begin revising appellate brief (0.6).	2.30	495.00	1,138.50
11/16/2018 SEH Finish reviewing and revising Appellate Brief for fee appeal (2.6). Revise and edit the Table of Authorities and Table of Contents (0.5). Email revised brief to Brian Reeve for approval (0.1). Draft Addendum to appellate brief (0.4).	3.60	495.00	1,782.00
11/19/2018 SEH Emails with Brian Reeve regarding finalization of appellate brief regarding fee award (0.1). Emails with Cheryl Boyd regarding index for appendix of exhibits for appellate brief (0.1). Revise and edit index for appendix of exhibits (0.3).	0.50	495.00	247.50
Sub-total Fees:			\$4,306.50

JA1127

Rate Summary

Sarah E. Harmon	8.70 hours at \$495.00/hr	4,306.50
Total hours:	8.70	

Payments

11/30/2018	Payment	ACH Funds	693.00
Sub-total Payments:			\$693.00

Total Current Billing:	\$4,306.50
Previous Balance Due:	\$693.00
Total Payments:	(\$693.00)
Total Now Due:	\$4,306.50

INVOICE REVIEW/PAYMENT APPROVAL	
Routing Date: <u>12/11/18</u>	Reviewer: <u>Acove</u>
Review Date: <u>12/12/18</u>	Initials: <u>BR</u>
Comments: _____	

City Attorney Review: <u>12/17/18</u>	<u>NN</u>
Date	Initials

RECEIVED

NOV - 8 2018

Henderson City Attorney's Office

Bailey Kennedy, LLP
 8984 Spanish Ridge Avenue
 Las Vegas, Nevada 89148
 (702) 562-8820
 Federal Tax ID: 20-3951680

ATTORNEY-CLIENT
PRIVILEGE

As Of: 10/31/2018

Statement Date: 11/2/2018 Statement Number: 33872

Henderson City Attorney
 Nicholas G. Vaskov
 240 Water Street
 Henderson, NV 89015

10713-016 / Las Vegas Review-Journal

Professional Fees

	Hours	Rate	Amount
10/26/2018 SEH Emails with Brian Reeve regarding [REDACTED]	0.20	495.00	99.00
10/30/2018 SEH Review Las Vegas Review Journal's Supplemental Authorities (0.2). Review new decision cited in Las Vegas Review Journal's Supplemental Authorities (0.5). Conference with Dennis L. Kennedy regarding [REDACTED] (0.3). Email Brian Reeve and Brandon Kemble regarding [REDACTED] (0.2).	1.20	495.00	594.00
Sub-total Fees:			\$693.00

Rate Summary

Sarah E. Harmon 1.40 hours at \$495.00/hr ✓ 693.00
 Total hours: 1.40

Payments

10/11/2018 Payment ACH 181011 5,303.30
 Sub-total Payments: \$5,303.30

INVOICE REVIEW/PAYMENT APPROVAL

Routing Date: 11/8/18 Reviewer: [Signature]

Review Date: 11/19/18 Initials: [Signature]

Comments: _____

City Attorney Review: 11/2/18 [Signature]
 Date Initials

Total Current Billing: \$693.00
 Previous Balance Due: \$5,303.30
 Total Payments: (\$5,303.30)
 Total Now Due: \$693.00

JA1129

RECEIVED

JAN - 7 2019

Bailey Kennedy, LLP
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148
(702) 562-8820
Federal Tax ID: 20-3951680

Henderson City Attorney's Office

ATTORNEY-CLIENT
PRIVILEGE

As Of: 12/31/2018
Statement Date: 1/3/2019 Statement Number: 34281

Henderson City Attorney
Nicholas G. Vaskov
240 Water Street
Henderson, NV 89015

10713-016 / Las Vegas Review-Journal

Professional Fees	Hours	Rate	Amount
12/18/2018 SEH Telephone conference with Brandon Kemble regarding [REDACTED]	0.20	495.00	99.00
12/21/2018 SEH Review Las Vegas Review Journal's Answering Brief/Opening Brief on Cross Appeal for the fee award appeal.	1.00	495.00	495.00
Sub-total Fees:			\$594.00

Rate Summary

Sarah E. Harmon 1.20 hours at \$495.00/hr ✓ 594.00
Total hours: 1.20

Payments

01/03/2019 Payment Incoming ACH 4,306.50
Sub-total Payments: \$4,306.50

Total Current Billing: \$594.00

Previous Balance Due: \$4,306.50

Total Payments: (\$4,306.50)

Total Now Due: \$594.00

INVOICE REVIEW/PAYMENT APPROVAL	
Routing Date: 1/7/19	Reviewer: Krmh4
Review Date: 1/8/19	Initials: BFK
Comments:	
City Attorney Review: 1/14/19	Initials: NCV
Date	Initials

JA1130

RECEIVED

FEB 11 2018

Bailey Kennedy, LLP
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148
(702) 562-8820
Federal Tax ID: 20-3951680

Henderson City Attorney's Office

**ATTORNEY-CLIENT
PRIVILEGE**

As Of: 1/31/2019
Statement Date: 2/4/2019 Statement Number: 34520

Henderson City Attorney
Nicholas G. Vaskov
240 Water Street
Henderson, NV 89015

10713-016 / Las Vegas Review-Journal

Professional Fees		Hours	Rate	Amount
01/04/2019 SEH	Review Stipulation to Extend Briefing for Reply to Appeal and Answer to Cross-Appeal (0.1). Review emails between Henderson and Review Journal regarding Stipulation, and email Brian Reeves regarding same (0.1).	0.20	495.00	99.00
01/25/2019 DLK	Prepare for oral argument and moot court. Read cases and record.	3.00	495.00	1,485.00
01/27/2019 DLK	Prepare for oral argument and moot court.	3.00	495.00	1,485.00
01/28/2019 DLK	Prepare for oral argument and moot court. Attend moot court session with City Attorney's office.	6.00	495.00	2,970.00
Sub-total Fees:				\$6,039.00

Rate Summary

Sarah E. Harmon	0.20 hours at \$495.00/hr	99.00
Dennis L. Kennedy	12.00 hours at \$495.00/hr	5,940.00
Total hours:	12.20	

Expenses	Units	Price	Amount
Document Reproduction	684.00	0.10	68.40
Sub-total Expenses:			\$68.40

Payments

01/31/2019 Payment	Incoming ACH	594.00
Sub-total Payments:		\$594.00

Total Current Billing: \$6,107.40

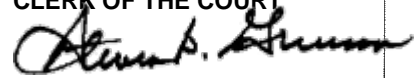
JA1131

Previous Balance Due:	\$594.00
Total Payments:	(\$594.00)
Total Now Due:	\$6,107.40

INVOICE REVIEW/PAYMENT APPROVAL	
Routing Date: <u>2/11/19</u>	Reviewer: <u>POEVL</u>
Review Date: <u>2/12/19</u>	Initials: <u>BR</u>
Comments: _____	

City Attorney Review: <u>NEV</u>	<u>2/13/19</u>
	Date Initials





Marquis Aurbach Coffing

Craig R. Anderson, Esq.
Nevada Bar No. 6882
Jackie V. Nichols, Esq.
Nevada Bar No. 14246
10001 Park Run Drive
Las Vegas, Nevada 89145
Telephone: (702) 382-0711
Facsimile: (702) 382-5816
canderson@maclaw.com
jnichols@maclaw.com

Steven B. Wolfson, Esq.
District Attorney
Laura C. Rehfeldt, Esq.
Deputy District Attorney
Nevada Bar No. 5101
500 South Grand Central Pkwy, 5th Flr.
P.O. Box 552215
Las Vegas, Nevada 89155-2215
Telephone: (702) 455-4761
Facsimile: (702) 382-5178
laura.rehfeldt@clarkcountynvda.com

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

Date of Hearing: March 2, 2021

Time of Hearing: 9:00 A.M.

**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**

Respondent, Clark County Office of the Coroner/Medical Examiner ("Coroner"), by and through their attorneys of record, Craig R. Anderson, Esq. and Jackie V. Nichols, Esq., of the law firm Marquis Aurbach Coffing and Laura C. Rehfeldt, Esq., Deputy District Attorney with the Clark County District Attorney/Civil Division, hereby submit its Opposition to Petitioner Las Vegas Review-Journal's Amended Motion for Attorney's Fees and Costs.

1 This Opposition is made and based upon all papers, pleadings, and records on file herein,
2 the attached Memorandum of Points and Authorities, and any oral argument allowed at a hearing
3 on this matter.

4 Dated this 16th day of February, 2021.

5 MARQUIS AURBACH COFFING

6
7 By: /s/ Jackie V. Nichols
8 Craig R. Anderson, Esq.
9 Nevada Bar No. 6882
10 Jackie V. Nichols, Esq.
11 Nevada Bar No. 14246
12 10001 Park Run Drive
13 Las Vegas, Nevada 89145
14 Attorneys for Respondent, Clark County
15 Office of the Coroner/Medical Examiner

16 **MEMORANDUM OF POINTS & AUTHORITIES**

17 **I. INTRODUCTION**

18 In their amended motion for attorney fees and costs, the Las Vegas Review-Journal
19 (LVRJ) seeks an award pursuant to NRS 239.011 for attorney fees and costs in the amount of
20 \$282,561.48. The Coroner opposes LVRJ's requested attorney fees and costs for several legal
21 reasons:

22 While the LVRJ may be considered the prevailing party, it must nonetheless demonstrate
23 that its work was reasonable and necessary. The work performed by LVRJ from July 2017 to
24 April 2020 was not reasonable or necessary. The District Court's initial order was reversed and
25 remanded. And, the prior fee award was vacated entirely. Furthermore, the post-judgment work
26 performed by LVRJ favored the Coroner. LVRJ received no benefit. Thus, LVRJ cannot
27 recover its fees and costs during this time period.

28 Second, it appears that LVRJ is improperly attempting to recover administrative fees.
The administrative fees sought are akin to a runner service and was not analyzed under *Brunzell*,
precluding LVRJ's recovery of the administrative fee. Similarly, LVRJ's fees related to the
work performed by to former associates must be precluded as they were not analyzed under the

1 *Brunzell* test. Third, the fees and costs must be reduced and apportioned. The character of the
2 work performed was not difficult and the rates charged are extremely high for the Las Vegas
3 valley. Fourth, LVRJ cannot recover its appellate fees in this action. Finally, LVRJ waived its
4 right to seek costs because it failed to timely file a memorandum of costs.

5 In sum, LVRJ's amended motion must be denied. Any award must be limited to
6 encompass reasonable and necessary work performed in the litigation that derived the benefit
7 sought—access to records.

8 **II. PROCEDURAL HISTORY**

9 **A. THE SUPREME COURT REVERSED AND REMANDED THE DISTRICT 10 COURT'S DECISION ON DISCLOSING JUVENILE AUTOPSY REPORTS IN UNREDACTED FORMAT.**

11 In April 2017, the Las Vegas Review-Journal (LVRJ) made a records request to the
12 Coroner for autopsy reports of juvenile deaths dating back to January 2012. *See* Petition,
13 generally. After providing LVRJ with various spreadsheets that identified the decedents and
14 their related cause and manner of death, the Coroner proposed to provide the LVRJ with the
15 juvenile autopsy reports in redacted form. *See* Response to Petition and Memorandum on file
16 herein. That is, the Coroner sought to redact the personal health and medical information of the
17 decedents that were unrelated to the cause and manner of death. *Id.* On July 17, 2017, the LVRJ
18 filed its Petition for access to autopsy reports of juvenile deaths dating back to January 2012.
19 *See* Petition. Ultimately, the Court ordered disclosure of the juvenile autopsy reports in
20 unredacted format. *See* Order dated November 9, 2017 on file herein. The Coroner appealed
21 this Court's decision. *See* Notice of Appeal on file herein. Notably, the Coroner sought a stay
22 from the District Court pending appeal and the same was granted. *See* Order Granting Stay
23 entered on January 12, 2018 on file herein.

24 On appeal, the Supreme Court concluded that the CCSD balancing test pertaining to
25 individuals' privacy interests apply to the instant case. *See Clark Cty. Office of Coroner/Med.*
26 *Exam'r v. Las Vegas Review-Journal*, 136 Nev. 44, 54, 458 P.3d 1048, 1056 (2020). In applying
27 the balancing test, the Court ruled that the Coroner satisfied its obligation under the CCSD
28 balancing test in demonstrating that the juvenile autopsy reports contain personal health and

1 medical information that involves a nontrivial privacy interest. *Id.* The Court then remanded the
2 matter back to the district court for the LVRJ to prove that the information sought, i.e., the
3 personal health and medical information unrelated to the cause and manner of death, advances
4 significant public interest. *Id.*

5 **B. THE SUPREME COURT VACATED LVRJ'S FEE AWARD.**

6 After the Court directed the Coroner to disclose the unredacted juvenile autopsy reports,
7 LVRJ filed a motion for fees and costs in the amount of \$32,377.52. *See* Motion for Attorney
8 Fees and Costs on file herein. The Court granted LVRJ's motion. *See* Order entered on
9 February 1, 2018. Subsequently, the Coroner sought a stay of the order. *See* Motion for Stay on
10 file herein. Although the District Court denied the Coroner's request, the Supreme Court issued
11 a published opinion concluded that a government agency is entitled to a stay pending appeal as a
12 matter of right from a monetary judgment. *See Clark Cty. Office of Coroner/Med. Exam'r v. Las*
13 *Vegas Review-Journal*, 134 Nev. 174, 415 P.3d 16 (2018).

14 On appeal, the Coroner argued that the award of fees and costs must be vacated if the
15 Supreme Court ruled in favor of the Coroner. Because the Court concluded that the CCSD
16 balancing test applied and the matter was remanded to the District Court, the Supreme Court
17 vacated the fee and cost award in its entirety, reasoning that LVRJ was not the prevailing party.
18 *Clark Cty. Office of Coroner/Med. Exam'r v. Las Vegas Review-Journal*, 136 Nev. 44, 62, 458
19 P.3d 1048, 1062 (2020).

20 **C. PROCEEDINGS ON REMAND.**

21 The Review-Journal filed its Opening Brief on Remand on August 27, 2020. The Coroner
22 filed its Answering Brief on October 7, 2020. The Review-Journal filed its Reply in support of
23 its Opening Brief on Remand on October 22, 2020. This Court conducted a hearing on the
24 parties' briefs on remand on October 29, 2020. Ultimately, the Court ruled in favor of the LVRJ
25 and directed the Coroner to produce the unredacted juvenile autopsy reports by November 20,
26 2020. *See* Order on Remand on file herein. Subsequently, the Coroner filed a motion to stay
27 pending an appeal, but the Court denied the motion. *See* Order entered December 23, 2020. The
28 LVRJ filed a motion for order to show cause why the Coroner should not be held in contempt on

December 8, 2020, which the Court also denied based on the Coroner's good faith attempt in seeking a stay prior to the disclosure deadline. *See* Order Denying LVRJ's Motion to Order to Show Cause on Order Shortening time entered December 30, 2020 on file.

The Coroner filed a notice of appeal on December 15, 2020. *See* Notice of Appeal on file herein. The Coroner has also sought an emergency stay from the Supreme Court with a deadline of December 30, 2020, the same date that the records have been ordered to be produced. *See* Nevada Supreme Court Case No. 82229. The Supreme Court, however, denied the Coroner's emergency request for a stay. *Id.* As a result, the Coroner sought to voluntarily dismiss the appeal. On January 12, 2021, the Supreme Court granted the Coroner's motion and ordered each party to bear its own attorney fees and costs. *See* Order attached hereto as **Exhibit A**. Notably, LVRJ never opposed the Coroner's motion for voluntary dismissal, which expressly asked that each party bear its own fees and costs. *See* Nevada Supreme Court Case No. 82229.

III. LEGAL ARGUMENT

A. **LEGAL STANDARD.**

Nevada courts follow the American Rule that attorney fees will not be awarded absent a statute, rule, or contract provision authorizing such an award. *See Bobby Berosini, Ltd. v. PETA*, 114 Nev. 1348, 1356, 971 P.2d 383, 388 (1998); *Consumers League v. Southwest Gas*, 94 Nev. 153, 156, 576 P.2d 737, 738 (1978). Moreover, it is an abuse of discretion for a court to award attorney fees without a proper basis for doing so. *See Rowland v. Lepire*, 99 Nev. 308, 315, 662 P.2d 1332, 1336 (1983). Statutes permitting the recovery of costs are to be strictly construed because they are in derogation of the common law. *See Gibellini v. Klindt*, 110 Nev. 1201, 1205, 885 P.2d 540, 543 (1994).

B. **THE FEES AND COSTS INCURRED FROM JULY 2017 THROUGH THE APPEAL ARE ENTIRELY UNREASONABLE.**

The trial court retains discretion in determining the amount of fees to award. *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 350, 455 P.2d 31, 33–34 (1969). In that respect, a trial court's decision stands unless as a matter of law there has been an abuse of discretion. *Id.* "[T]he method upon which a reasonable fee is determined is subject to the discretion of the

1 court,” which “is tempered only by reason and fairness.” *Shuette v. Beazer Homes Holdings*
2 *Corp.*, 121 Nev. 837, 864, 124 P.3d 530, 548–49 (2005); *See, e.g., Miller v. Wilfong*, 121 Nev.
3 619, 119 P.3d 727, 730 (2005) (noting that the district court has discretion to determine the
4 reasonableness of statutory attorney fee awards, but in so doing, it must consider the *Brunzell*
5 factors); *Schouweiler v. Yancey Co.*, 101 Nev. 827, 712 P.2d 786 (1985) (reversing the district
6 court’s order awarding attorney fees and remanding the issue to be evaluated under the *Brunzell*
7 factors); *see also Beattie v. Thomas*, 99 Nev. 579, 589, 668 P.2d 268, 274 (1983) (noting that it is
8 an abuse of discretion to award the full amount of requested attorney fees without making
9 “findings based on evidence that the attorney’s fees sought are reasonable and justified”).

10 Under the NPRA, a requester may recover his or her costs and reasonable attorney fees in
11 the proceeding from the governmental entity that has custody of the book or record if the
12 requester **prevails**. NRS 239.011(2) (emphasis added). In *LVMPD v. Blackjack Bonding*, the
13 Court explained that “[a] party prevails ‘if it succeeds on any significant issue in litigation which
14 achieves some of the benefit it sought in bringing suit.’” 131 Nev. Adv. Op. 10, 343 P.3d 608,
15 615 (2015). In *Blackjack*, the Court found that Blackjack was a prevailing party because it
16 “obtained a writ compelling the production of the telephone records with CCDC’s inmates’
17 identifying information redacted[.]” *Id.* at 615. The Court’s decision to grant mandamus relief
18 compelling LVMPD to produce the requested records resulted in a court-ordered material
19 alteration in the parties’ legal relationship. Thus, the Court concluded that Blackjack was
20 entitled to recover its reasonable attorney fees and costs. *Id.*

21 By virtue of the clear, unambiguous language within NRS 239.011(2), as well as the
22 Supreme Court’s holding in *Blackjack*, it is evident that the prevailing party standard applies to
23 the NPRA. The prevailing party analysis articulated in *Blackjack* is rooted in federal case law.
24 *See Hornwood v. Smith’s Food King No. 1*, 105 Nev. 188, 192, 772 P.2d 1284, 1287 (1989)
25 (quoting federal case law); *see also Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983) (stating that
26 “plaintiffs may be considered ‘prevailing parties’ for attorney’s fees purposes if they succeed on
27 any significant issue in litigation which achieves some of the benefit the parties sought in
28 bringing suit.”). Federal courts have since clarified that the “touchstone of the prevailing party

1 inquiry must be the material alteration of the legal relationship of the parties[.]” *See Texas State*
2 *Teachers Ass’n v. Garland Indep. Sch. Dist.*, 489 U.S. 782, 791-93 (1989). Thus, “[a] fee-
3 seeking party must show that (1) there has been a material alteration in the legal relationship of
4 the parties and (2) it was judicially sanctioned.” *See Wood v. Burwell*, 837 F.3d 969, 973 (9th
5 Cir. 2016). A litigant whose “success on a legal claim can be characterized as purely technical
6 or de minimis” is not entitled to attorney fees. *See Irvine Unified Sch. Dist. v. K.G.*, 853 F.3d
7 1087, 1093 (9th Cir. 2017).

8 There Coroner does not dispute that LVRJ is considered the prevailing party *at this stage*
9 based on the District Court’s order requiring disclosure of the juvenile autopsy records.
10 However, LVRJ has failed to demonstrate how certain work was reasonable and necessary as
11 required under Nevada law. *See Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 349, 455 P.2d
12 31, 33 (1969). In sum, LVRJ must bear its own fees for all litigation prior to the appeal and
13 during the appeal in light of the fact that it was of no benefit to the relief sought by LVRJ—
14 production of autopsy reports and an award of fees and costs. To be sure, the Supreme Court
15 reversed and remanded the initial District Court order and agreed with the Coroner that the
16 autopsy reports contained personal and confidential information. And, the Court vacated the fee
17 award in its entirety. The Coroner cannot be left holding the bag for LVRJ’s unreasonable and
18 unnecessary tactics. For instance, the Coroner’s first request for stay was granted. Then, the
19 Supreme Court issued a published decision on the Coroner’s right to an automatic stay. It is
20 evident that from the onset through appeal and up until the District Court’s most recent order, the
21 Coroner prevailed at every turn.

22 In applying the prevailing party standard, the Nevada Supreme Court has recognized that
23 the District Court may apportion attorney fees and costs. *See Mayfield v. Koroghli*, 124 Nev.
24 343, 184 P.3d 362 (2008). There, the Nevada Supreme Court ruled that it is within the district
25 court’s discretion to determine whether apportionment is rendered impracticable by the
26 interrelationship of the claims. *Id.*; *see also Gunderson v. D.R. Horton, Inc.*, 130 Nev. 67, 319
27 P.3d 606 (2014) (determining that it is within the trial court’s discretion to apportion and
28 segregate costs and attorney fees associated with litigation). The Supreme Court has recognized

1 this legal concept in a variety of cases. *See Bergmann v. Boyce*, 109 Nev. 670, 674, 856 P.2d
2 560, 563 (1993), superseded by statute on other grounds as stated in *In re DISH Network*
3 *Derivative Litig.*, 133 Nev. 438, 451 n.6, 401 P.3d 1081, 1093 n.6 (2017) (case remanded for
4 trial court to allocated award of attorney fees between grounded and groundless claims); *Univ. of*
5 *Nevada v. Tarkanian*, 110 Nev. 581, 600, 879 P.2d 1180, 1192 (1994), holding modified by
6 *Exec. Mgmt., Ltd. v. Ticor Title Ins. Co.*, 114 Nev. 823, 963 P.2d 465 (1998) (The district judge
7 then had the discretion to apportion the fees as he deemed fit).

8 Apportioning the fees and costs asserted in this case, LVRJ must bear its own fees and
9 costs from July 2017 through April 2020. In *Barney v. Mt. Rose Heating & Air Conditioning*,
10 the Supreme Court addressed an award of attorney fees and costs in the post-judgment context of
11 a mechanic's lien. 124 Nev. 821, 829-30, 192 P.3d 730, 736 (2008). There, the Supreme Court
12 concluded that a prevailing party was entitled to recover attorney fees for matters incidental to
13 and enforcing or foreclosing upon its mechanic's lien. *Id.* The district court awarded Mt. Rose
14 its fees and costs incurred during post-judgment litigation. *Id.* On appeal, the Supreme Court
15 determined that the district court abused its discretion because the record revealed that Mt. Rose
16 was awarded fees for matters that it did not prevail on, including an attempt to execute on
17 Barney's personal property. *Id.* at 830; *Cf In Re Estate of Schrager*, 131 Nev. 1298 (2015)
18 (unpublished disposition) (determining that the district court abused its discretion in awarding a
19 portion of attorney fees that did not benefit the estate).

20 Here, LVRJ must be precluded from being awarded fees and costs throughout the
21 majority of the litigation in matters it did not prevail. This includes all post-judgement briefing
22 after the November 2017 order as the Coroner obtained a stay of the disclosure order and a stay
23 of the fee award. Then, the Supreme Court vacated the fee award and reversed and remanded the
24 district court's November 2017 order. Similarly, LVRJ's work regarding contempt on the same
25 day that the Coroner released the records is inappropriate. LVRJ's somehow managed to rack-
26 up 4.4 hours and \$1,900.00 in fees on December 31, 2020 prior to the Coroner informing it that it
27 had intended to provide the records. *See* Email attached hereto as **Exhibit B**.

12/31/2020	Leo Wolpert	1.2	Research criminal contempt for disobeying court Order.	\$250.00	300.00
12/31/2020	Margaret McLetchie	3.2	Email to opposing counsel demanding records. Call with client. Plan work re possible Order to Show Cause. Confer with client. Attention to logistics re obtaining records. Review correspondence from Ms. Rehfeldt. Review Motion to voluntary dismiss appeal.	\$500.00	1,600.00

LVRJ also seeks to impose fees in the amount of \$2,947.50 against the Coroner for post-judgment work entirely unrelated to the case.

12/11/2020	Alina Shell	1.6	Draft letter on behalf of Nevada Open Government Coalition to County Commission re coroner request for approval of appeal.	\$375.00	600.00
12/11/2020	Margaret McLetchie	1.0	Planning regarding Clark County Board of County Commissioners BCC hearing.	\$500.00	500.00
12/15/2020	Margaret McLetchie	3.1	Review transcript. County hearing. Attention to preparing for anticipated Emergency Motion to Stay.	\$500.00	1,550.00
1/4/2021	Margaret McLetchie	0.2	Emails re supplemental requests.	\$500.00	100.00
1/7/2021	Alina Shell	0.2	Per Ms. McLetchie's request, conduct research to determine whether to exercise peremptory challenge against newly assigned judge.	\$375.00	75.00
1/7/2021	Alina Shell	0.1	Review and approve Peremptory Challenge.	\$375.00	37.50
1/7/2021	Pharan Burchfield	0.1	Draft Peremptory Challenge of a Judge re Honorable Jessica Peterson for attorneys' review and approval; finalize, file, and serve re same. Email Mr. Lipman re same.	\$175.00	17.50
1/12/2021	Margaret McLetchie	0.1	Review and consider notice of reassignment.	\$500.00	50.00
1/12/2021	Pharan Burchfield	0.1	Download, save, and review Notice of Department Reassignment (Department 29; Honorable Judge Jones); and update attorneys re same. Email Mr. Lipman re same.	\$175.00	17.50

Even worse, LVRJ asks that the Coroner be responsible for \$1,617.50 for the recent stipulation it sought on amending fees, despite claiming that the purpose was for cost efficiency.

1/6/2021	Margaret McLetchie	0.1	Follow up re proposed stipulation / process to streamline briefing on Motion for Attorney's Fees and Costs, supplement re same.	\$500.00	50.00
1/11/2021	Margaret McLetchie	0.3	Emails with Ms. Nichols re amending Motion, my efforts to make briefing more efficient. Plan work accordingly. Update to client.	\$500.00	\$150.00
1/13/2021	Pharan Burchfield	0.4	Draft Stipulation and Order to Supplement Motion for Attorney's Fees and Costs and Setting a Briefing Schedule for attorneys' review and approval.	\$175.00	70.00
1/14/2021	Margaret McLetchie	0.3	Revise stip. Emails to Ms. Nichols re same.	\$500.00	150.00
1/14/2021	Margaret McLetchie	1.0	Confer with Mr. Wolpert re work on Motion for Attorney's Fees and Costs reply and/or amended Motion - supplement. Confer with Ms. Shell re related research re fees on appeal and review / provide feedback re same. Revise stipulation to address concerns expressed by Ms. Nichols. Send to client, then Ms. Nichols and follow up with her re same.	\$500.00	500.00
1/15/2021	Alina Shell	0.2	Review Ms. Nichols' edit to proposed Stipulation and Order. Discuss same with Ms. McLetchie and circulate to Mr. Lipman for review.	\$375.00	75.00
1/15/2021	Margaret McLetchie	0.2	Attention to stip re Amended Motion for Attorney's Fees and Costs. [Reduced Entry.]	\$500.00	100.00
1/15/2021	Pharan Burchfield	0.2	Incorporate Ms. Nichol's edits to the draft the Stipulation and Order to Supplement Motion for Attorney's Fees and Costs and Setting a Briefing Schedule; finalize and submit/email to Court re same.	\$175.00	35.00
1/21/2021	Margaret McLetchie	0.2	Follow up re stipulation; confer with paralegal re same. [Reduced Entry.]	\$500.00	100.00
1/21/2021	Pharan Burchfield	0.1	Follow-up phone call (attempt) and email to Department 29 re pending Stipulation on Attorney's Fees and Costs and confirm whether or not 01/27/2021 hearing is going forward.	\$175.00	17.50
1/22/2021	Margaret McLetchie	0.1	Review message from paralegal re 1/27 hearing.	\$500.00	50.00

1/22/2021	Pharan Burchfield	0.1	Phone call with Ms. Linn, JEA in Department 29, re pending Stipulation and upcoming hearing; and update attorneys re same.	\$175.00	17.50
1/26/2021	Margaret McLetchie	0.1	Follow up re hearing.	\$500.00	50.00
1/26/2021	Pharan Burchfield	0.1	Check docket to confirm 01/27/2021 hearing; phone call with Ms. Busch (Ms. Nichols' assistant); and update attorneys re same.	\$175.00	17.50
1/27/2021	Alina Shell	0.4	Attend hearing re Motion for Attorney's Fees and Costs to note that parties had submitted a Stipulation and Order to extend. Obtain new hearing date and update team.	\$375.00	150.00
1/27/2021	Margaret McLetchie	0.1	Check re hearing / stipulation. [Reduced Entry.]	\$500.00	50.00
1/27/2021	Pharan Burchfield	0.2	Download, save, and review Stipulation and Order to Supplement Motion for Attorney's Fees and Costs and Setting a Briefing Schedule; draft, file, and serve Notice of Entry of Stipulation and Order to Supplement Motion for Attorney's Fees and Costs and Setting a Briefing Schedule; update attorneys and calendar accordingly.	\$175.00	35.00

Finally, the \$7,300.00 in fees related to the amended motion is entirely unreasonable given that LVRJ filed its initial motion in December and the two do not significantly differ.

1/14/2021	Alina Shell	1.9	Per Ms. McLetchie's request, conduct legal research regarding entitlement to fees on appeal. Draft memo re same.	\$375.00	712.50
1/14/2021	Leo Wolpert	1.5	Review previous Motion for Attorney's Fees and Costs replies, research concerning fees on supplement.	\$250.00	375.00
1/27/2021	Leo Wolpert	4.3	Draft, research Consolidated amended Motion for Attorney's Fees and Costs, particular attention to summarizing events in litigation since November and researching awards in district court.	\$250.00	1,075.00
1/28/2021	Alina Shell	1.1	Edit draft of Consolidated Motion for Attorney's Fees and Costs.	\$375.00	412.50
1/28/2021	Leo Wolpert	1.5	Finish drafting, researching Consolidated Motion for Attorney's Fees and Costs.	\$250.00	375.00
1/29/2021	Margaret McLetchie	0.4	Revisions to Consolidated Motion for Attorney's Fees and Costs; send first draft to client for review.	\$500.00	200.00
2/1/2021	Leo Wolpert	2.7	Edit, proof, implement Mr. Lipman's suggestions regarding Consolidated Motion for Attorney's Fees and Costs, particular attention to researching and drafting arguments for appeal fees going back to Musso.	\$250.00	675.00
2/1/2021	Margaret McLetchie	0.5	Review revised Consolidated Motion for Attorney's Fees and Costs addressing client edits and send to Mr. Lipman for further review.	\$500.00	250.00
2/2/2021	Pharan Burchfield	1.8	Prepare updated spreadsheets re fees as exhibits to Consolidated Motion for Attorney's Fees and Costs; finalize with attorneys; file and serve re same.	\$175.00	315.00
2/2/2021	Lacey Ambro	1.9	Review fee detail spreadsheet for exhibit to Consolidated Motion for Attorney's Fees and Costs.	\$150.00	285.00
2/2/2021	Alina Shell	1.0	Attention to Consolidated Motion for Attorney's Fees and Costs: review and edit spreadsheet of time entries for inclusion with Consolidated Motion.	\$375.00	375.00
2/2/2021	Leo Wolpert	3.0	Finalize Motion for Attorneys' Fees; work with paralegals re fees and exhibits.	\$250.00	750.00
2/2/2021	Margaret McLetchie	3.0	Review further revised consolidated motion for attorney's fees and costs addressing further client edits and send to Mr. Lipman for review. work on fee detail.	\$500.00	1,500.00

1 Accordingly, of the \$282,561.48 sought by LVRJ, LVRJ must be precluded from
2 recovering \$163,605.00¹ as the work performed was not reasonable or necessary, and more
3 importantly, did not benefit LVRJ.

4 **C. LVRJ CANNOT RECOVER ADMIN FEES.**

5 LVRJ improperly seeks \$177.50 in Administrative fees. See **Exhibit 2**. There is no
6 statutory authority that allows the recovery of administrative fees as attorney fees. See *Robert*
7 *Dillon Framing, Inc. v. Canyon Villas Apt., Corp.*, 129 Nev. 1102, *5 (April 17, 2013)
8 (unpublished disposition). In *Canyon Villas*, the Supreme Court reversed the district court's
9 exclusion of paralegal fees from an award of attorney's fees and costs. *Id.* The court found that
10 paralegals provide essential, cost-effective services that help attorneys represent clients. *Id.*
11 (citing *Missouri v. Jenkins*, 491 U.S. 274, 285 (1989)); *LVMPD v. Yeghiazarian*, 129 Nev. 760,
12 770, 312 P.3d 503, 510 (2013) (determining that "reasonable attorney's fees" includes charges
13 for persons such as paralegals and law clerks). The administrative fees outlined in LVRJ's
14 attorney's fees spreadsheet are not recoverable because the work performed did not provide
15 essential, cost-effective services in representing the client. Rather, the work performed is akin to
16 a runner service, which is not recoverable as attorney's fees. *Cadle Co. v. Woods & Erickson,*
17 *LLP*, 131 Nev. 114, 121, 345 P.3d 1049, 1055 (2015) (characterizing runner service as costs not
18 as fees). Nevertheless, LVRJ failed to conduct a *Brunzell* analysis on the Administrative Fees.
19 See *LVMPD v. Yeghiazarian*, 129 Nev. 760, 770, 312 P.3d 503, 510 (2013) (remanding for an
20 analysis under *Brunzell*). Accordingly, LVRJ is precluded from recovering the same. LVRJ's
21 request for payment of its "Administrative Fees" in the amount of \$177.50, is not proper and
22 must be denied.

23 **D. LVRJ'S FEES MUST BE APPORTIONED AND REDUCED.**

24 **1. The Character of the Work Performed was Not Difficult or Complex.**

25 Before fees can be awarded, the Court must consider the well-established factors
26 announced in *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969): (1)

27 ¹ The amount includes the \$32,377.50 that was incurred prior to November 10, 2017 through April 27,
28 2020.

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

7 Contrary to what the LVRJ stated in its motion, this is not a time consuming or complex
8 case especially for the caliber and experience of the LVRJ's attorneys. McLetchie Law is very
9 experienced with Nevada Public Records Law and litigation in this area. The legal principles and
10 arguments presented in this case are ones that these attorneys have analyzed, briefed and argued
11 many times. For these attorneys, this work is routine. Additionally, this case was rather simple.
12 There was no witness preparation, no evidentiary hearing, no testimony of witnesses. Thus, the
13 LVRJ has failed to meet the second *Brunzell* factor.

14 **2. Fees and Costs Incurred Pre-Litigation are Not Recoverable.**

15 NRS 239.011(2) specifically limits the fees and costs that can be recovered to those
16 incurred "in the proceeding." In its initial petition the LVRJ sought fees and costs incurred
17 before it filed its writ petition. Thus, the fees sought by the LVRJ which were incurred prior to
18 commencement of the lawsuit should not be recoverable.

19 **3. The Rates Sought are Not Reasonable.**

20 A reasonable hourly rate should reflect the prevailing market rates of attorneys practicing
21 in the forum community. *Webb v. Ada Cty.*, 285 F.3d 829, 840, n.6 (9th Cir. 2002); *Blum v.*
22 *Stenson*, 465 U.S. 886, 895 n.11 (1984); applied in fraud and breach of contract case, *Archway*
23 *Ins. Servs., LLC v. Harris*, No. 2:11-CV-1173 JCM (CWH), 2014 U.S. Dist. LEXIS 107472 (D.
24 Nev. Aug. 5, 2014). In *Archway*, decided in late 2014, the Court held an hourly rate of \$275 was
25 reasonable. *Archway Ins. Servs., LLC v. Harris*, No. 2:11-CV-1173 JCM (CWH), 2014 U.S.
26 Dist. LEXIS 107472, at *10 (D. Nev. Aug. 5, 2014). In another 2014 District Court case, the
27 court stated, "[b]ased on the court's knowledge and experience, it finds that the requested hourly
28 rates of \$225.00 for partners, \$200.00 for associates, and \$70.00 for paralegals are reasonable."

1 *Conboy v. Wynn Las Vegas, LLC*, No. 2:11-CV-1649 JCM (CWH), 2014 U.S. Dist. LEXIS
2 114330, at *7 (D. Nev. Aug. 18, 2014).

3 In *Banks v. Robinson*, a case related to failure to pay overtime with fees paid related to an
4 offer of judgment. The court found the requested fees were excessive, where senior counsel
5 requested \$450 per hour, and the associate requested \$350 per hour. *Banks v. Robinson*, No. 2: 1
6 1-CV-00441-RLH-21 PAL, 2012 U.S. Dist. LEXIS 39688, at *3 (D. Nev. Mar. 21, 2012). One of
7 the senior counsel generally worked on a contingency fee basis but, in a declaration, stated he
8 charges hourly between \$75-350 on billable matters. *Id.* at *4. The court reduced the senior
9 counsel bills to \$300 per hour, and reduced the fees of the associate to rates of \$250 "based on
10 similar work billed by Defendant counsels' associate attorneys" [from Lionel Sawyer]. *Id.* at *4-
11 5.

12 Rates have not changed significantly from these cases. *See Gonzalez-Rodriguez v.*
13 *Mariana's Enterps.*, 2016 WL 3869870 at *9 (D. Nev. July 14, 2016) ("[H]ourly rates of \$450
14 and \$650 per hour are well over the range of hourly rates approved in this district."); *Agarwal v.*
15 *Oregon Mut. Ins. Co.*, No. 2:11-cv-01384-LDG, 2013 WL 5882710, at *2 (D. Nev. Oct. 30,
16 2013) (finding \$300 per partner hour and \$260 per associate hour reasonable); *In re USA*
17 *Commercial Mortgage Co.*, No. 2:07-cv-892-RCJ-GWF, 2013 WL 3944184, at *20 (D. Nev.
18 July 30, 2013) (finding rates between \$170 and \$420 to be reasonable and \$275 to \$775 to be
19 unreasonable); *Cervantes v. Emerald Cascade Rest. Sys., Inc.*, No. 3:11-cv-00242-VPC, 2013
20 WL 3878692, at *2 (D. Nev. July 25, 2013) (finding \$450 to be excessive and reducing it to
21 \$275). In fact, they were less in a case where the Court found the hourly rate of \$250 for a
22 partner and \$125 for an associate representing a surety was reasonable and within the prevailing
23 rates of the Las Vegas legal market in a bankruptcy case. *Am. Contractors Indem. Co. v.*
24 *Emerald Assets, L.P.*, No. 2: 15-2 CV-01334-APG-PAL, 2016 U.S. Dist. LEXIS 120056, at *12-
25 13 (D. Nev. Sept. 2, 2016), citing to *Next Gaming, LLC v. Glob. Gaming Crp., Inc.*, No 2:14-
26 CV-0071-MMD-CWH, 2016 WL 3750651, at *5 (D. Nev. July 13, 2016) (granting fees at
27 \$350/hour and \$255/hour for associate in intellectual property transaction) and *Boliba v.*
28 *Camping World, Inc.*, No. 2:14-CV-01840-JAD-NJK, 2015 U.S. Dist. LEXIS 113780, 2015 WL

1 5089808 at *4 (D. Nev. 7 Aug. 27, 2015) (granting fees at \$250/hour for a partner and \$200 per
2 hour for an associate).

3 Here, the Court is as familiar as the LVRJ's counsel and/or its declarants as to prevailing,
4 reasonable rates. The law surrounding the NRPA is not particularly sophisticated or specialized.
5 It entails a handful of Nevada Supreme Court cases and a relatively small chapter of the NRS.
6 This is not a construction defect case, a case involving an intellectual property transaction,
7 bankruptcy, surety or indemnity claim, class action or environmental tort. Based on the cases
8 discussed above, a rate of \$300 per hour for the senior attorney is far more reasonable than \$450
9 and \$500 for this particular matter. Moreover, the rate of \$250 per hour for the second chair (Ms.
10 Shell) is more reasonable than \$350.

11 The RJ's paralegal rate of \$150 is also too high. \$90 to \$125.00 is the appropriate. *Boliba*
12 *v. Camping World, Inc.*, No. 2:14-CV-01840-JAD, 2015 U.S. Dist. LEXIS18 113780, 2015 WL
13 5089808, at *4 (D. Nev. Aug. 27, 2015) (\$125 per hour for paralegals); *Tallman v. CPS Sec.*
14 *(USA), Inc.*, 23 F. Supp. 3d 1249, 1259 (D. Nev.2014) (\$90 per hour for paralegals).

15 Last year, a Nevada court ruled that a \$500 hourly rate was excessive for the Southern
16 Nevada legal market and modified the attorney's rate to \$250.00. *Soule v. P.F. Chang's China*
17 *Bistro, Inc.*, No. 218CV02239GMNGWF, 2019 WL 3416667, at *2 (D. Nev. July 26, 2019).
18 LVRJ's rates should be reduced and apportioned to reflect a \$300 rate for Ms. McLetchie, and a
19 \$200 rate for the remaining attorneys. Likewise, the paralegals rates should be reduced to
20 \$90.00. Thus, the LVRJ's attorney's fees should be apportioned and reduced accordingly.

21 **E. LVRJ IS BARRED FROM SEEKING ITS FEES AND COSTS IN**
22 **RELATION TO THE CORONER'S APPEAL FROM THE ORDER ON**
23 **REMAND.**

24 Under the doctrine of the law of the case, where an appellate court states a principal or
25 rule of law in deciding a case, that rule becomes the law of the case and is controlling both in the
26 lower courts and on subsequent appeals, so long as the facts remain substantially the same. *State*
27 *Dep't Hwys. v. Alper*, 101 Nev. 493, 496, 706 P.2d 139, 141 (1985). Thus, if a judgment is
28 reversed on appeal, the court to which the cause is remanded can only take such proceedings as

1 conform to the appellate court's judgment. *LoBue v. State ex rel. Dep't Hwys.*, 92 Nev. 529, 532,
2 554 P.2d 258, 260 (1976).

3 Rule 42(b) of the Nevada Rules of Appellate Procedure provides that, "An appeal may be
4 dismissed on the appellant's motion on terms agreed to by the parties or fixed by the court."
5 NRAP 42(b) draws its language from Rule 42(b) of the Federal Rules of Appellate Procedure.
6 Almost without exception, federal courts have rejected the argument that, in allowing voluntary
7 dismissal "on terms ... fixed by the court," federal Rule 42(b) authorizes an award of attorney
8 fees against the party moving to dismiss. *See, e.g., Am. Auto. Mfrs. Ass'n v. Comm'r, Mass. Dep't*
9 *of Envtl. Prot.*, 31 F.3d 18, 28 (1st Cir. 1994); *Waldrop v. U.S. Dep't of Air Force*, 688 F.2d 36,
10 37 (7th Cir. 1982). Like NRAP 38, Rule 38 of the Federal Rules of Appellate Procedure
11 authorizes fee-shifting but limits the authorization to frivolous filings.

12 Here, LVRJ's opportunity to assert that it is entitled to its attorney fees and costs in
13 relation to the Coroner's appeal of the Order on Remand would have been in any opposition to
14 the Coroner's motion to voluntarily dismiss the case under NRAP 42. *See Breeden v. Eighth*
15 *Jud. Dist. Ct.*, 131 Nev. 96, 343 P.3d 1242 (2015). LVRJ failed to object to or otherwise oppose
16 the Coroner's motion, which specifically asked the Court to order that each party bear its own
17 fees and costs. Subsequently, the Court entered the Order dismissing the appeal and directing
18 each party to bear its own fees and costs. Accordingly, LVRJ is barred from now asking this
19 Court for those same fees and costs. *See Bd. of Gallery of History, Inc. v. Datecs Corp.*, 116
20 Nev. 286, 288, 994 P.2d 1149, 1150 (2000) ("Furthermore, this court's order dismissing the
21 original appeal specifically held that Gallery's conduct on appeal did not merit sanctions. This is
22 the law of the case and the district court was without authority to make a contrary finding.").
23 Accordingly, LVRJ is precluded from \$17,182.50 in attorney's fees. It is unclear whether any of
24 the costs asserted relate to the recent appeal. To the extent that any costs relate to the appeal,
25 LVRJ is also precluded from such an award.

1 **F. ALTERNATIVELY, LVRJ IS NOT ENTITLED TO FEES INCURRED ON**
2 **APPEAL.²**

3 LVRJ seeks to recover their fees and costs that it incurred on appeal. The plain language
4 of the NPRA, however, is silent on appellate fees and costs. It is well-established that in order
5 for a prevailing party to recover their fees and costs, there must be a statute that explicitly
6 authorizes an award. Because the NPRA is silent on appellate fees and costs, LVRJ is prohibited
7 from recovering the same. Alternatively, if the Court is not convinced that the plain language of
8 the NPRA is silent on appellate fees and costs, then it must resort to legislative history as the
9 term “proceeding” within NRS 239.011 is susceptible to two meanings, rendering it ambiguous.
10 In reviewing the legislative history, it is clear that prior to the 2019 amendments, the Legislature
11 did not intend for a requester to recover their fees and costs on appeal. Thus, LVRJ cannot
12 overcome the heavy presumption that the 2019 amendment to NRS 239.011 should be applied
13 prospectively. Accordingly, this Court must deny LVRJ’s request for fees and costs incurred on
14 appeal.

15 **1. The Plain Language of NRS 239.011 does not Permit an Award for**
16 **Appellate Fees and Costs.**

17 In general, “attorney’s fees are not recoverable absent a statute, rule or contractual
18 provision to the contrary.” *Rowland v. Lepire*, 99 Nev. 308, 315, 662 P.2d 1332, 1336 (1983)
19 (citations omitted). When interpreting a statute, the court must first look to its plain language.
20 *Dep’t of Bus. & Indus., Fin. Institutions Div. v. TitleMax of Nevada, Inc.*, 135 Nev. 336, 340, 449
21 P.3d 835, 839 (2019). The NPRA does not permit a prevailing party to recover attorney fees and
22 costs on appeal.

23 Prior to the 2019 amendments, NRS 239.011 provided, in part:

24 2. The court shall give this matter priority over other civil matters to which
25 priority is not given by other statutes. If the requester prevails, the requester is
26 entitled to recover his or her costs and reasonable attorney’s fees in the

27 ² In the event the Court concludes that LVRJ may recover its unreasonable fees from July 2017 through
28 the April 2020, it is the Coroner’s position that the appellate work performed during that time, as well as
the recent work on the Coroner’s appeal from the Order on Remand is not recoverable under NRS
239.011.

proceeding from the governmental entity whose officer has custody of the book or record.

Nothing in the statute permits a prevailing party to recover appellate fees and costs. Rather, it limits the party to recover costs and reasonable attorney's fees in the proceeding. Thus, the NPRA is silent on an award of fees and costs on appeal. The Supreme Court previously addressed this issue in *Bobby Berosini, Ltd. v. People for the Ethical Treatment of Animals*, 114 Nev. 1348, 971 P.2d 383 (1998). In that case, *Berosini* prevailed at trial, but the judgment was reversed on appeal. On remand, PETA requested and was awarded fees incurred during the prior appeal. This was reversed by the Nevada Supreme Court, which held:

[T]he text of NRS 18.010 is silent with respect to attorney's fees on appeal. Pursuant to NRAP 38, attorney's fees and costs on appeal are permitted only in those contexts where "an appeal has frivolously been taken or been processed in a frivolous manner." Accordingly, because NRS 18.010 does not explicitly authorize attorney's fees on appeal, and because NRAP 38(b) limits attorney's fees on appeal to those instances where an appeal has been taken in a frivolous manner, we conclude that PETA is not entitled to attorney's fees incurred through its appeal of *Berosini*'s favorable trial judgment.

Berosini, 114 Nev. 1348, 1356-57, 971 P.2d 383, 388. While LVRJ attempt to limit the *Berosini* ruling to only NRS 18.010(2)(b), the Court specifically interpreted the entire statute and not just the particular subsection. *Id.* ("In the instant case, we note that the **text of NRS 18.010** is silent with respect to attorney's fees on appeal) (emphasis added). The Court reiterated this decision two years later in *Bd. of Gallery of History, Inc. v. Datecs Corp.*, 116 Nev. 286, 994 P.2d 1149 (2000) (concluding that appellate fees must be authorized by statute, rule or contractual provision and there is no statutory provision authorizing fees incurred on appeal).

Like NRS 18.010, NRS 239.011 does not explicitly authorize attorney's fees on appeal and LVRJ cannot demonstrate that the appeal was taken in a frivolous manner. In support of its position, LVRJ cites to *In re Estate and Living Trust of Miller*, 125 Nev. 550, 216 P.3d 239 (2009). There, the Supreme Court interpreted Nev. R. Civ. P. 68, a fee-shifting provision. At the time, NRCP 68 provided fee-shifting penalties to be assessed against an offered who "rejects an offer and fails to obtain a more favorable judgment." *Id.* at 242; *see also* NRCP 68. In particular, the Court concluded that the term "judgment" within NRCP 68 meant a final

1 judgment and included appellate proceedings. *Id.* The Court then concluded that the fee-shifting
2 provisions apply to the judgment that determines the final outcome in the case, allowing
3 recovery of fees incurred on and after appeal. *Id.*

4 Grasping at straws, LVRJ then directs this Court to *Musso v. Binick*, 104 Nev. 613, 764
5 P.2d 477 (1988), a contract case. In that case, the Nevada Supreme Court adopted the majority
6 view that attorney fees provisions in contracts presumably include attorney's fees incurred on
7 appeal unless provided otherwise. *Id.* at 614, 764 at 477. This case, however, is not governed by
8 a contract but rather a statute. Therefore, the rules of statutory construction applies—not
9 contracts.

10 Here, LVRJ is not seeking attorney fees pursuant to a contract, thus, *Musso* is entirely
11 inapplicable. Furthermore, NRS 239.011 is not a fee-shifting statute, eviscerating the application
12 of *In re Miller*. Rather, it is a “prevailing” party statute that is more akin to NRS 18.010. Thus,
13 consistent with its counterpart NRS 18.010, the Court should interpret NRS 239.011 consistently
14 with *Berosini* and conclude that LVRJ is not entitled to recover their appellate fees and costs.

15 LVRJ's attempt to

16 **2. Alternatively, the Legislative History Demonstrates that NRS 239.011**
17 **does not Include Appellate Fees and Costs.**

18 Alternatively, should the Court should determine that the language “in the proceeding”
19 within NRS 239.011 is ambiguous, then it must look to the Legislature's intent as the primary
20 consideration when interpreting an ambiguous statute. *See Cleghorn v. Hess*, 109 Nev. 544, 548,
21 853 P.2d 1260, 1262 (1993). When construing an ambiguous statutory provision, this Court
22 determines the meaning of the words used in a statute by examining the context and the spirit of
23 the law or the causes which induced the legislature to enact it. *See Leven v. Frey*, 123 Nev. 399,
24 405, 168 P.3d 712, 716 (2007). In conducting this statutory analysis, “[t]he entire subject matter
25 and policy may be involved as an interpretive aid.” *Id.* Accordingly, this Court will consider
26 “the statute's multiple legislative provisions as a whole.” *Id.*

27 Courts have a duty to construe statutes as a whole, so that all provisions are considered
28 together and, to the extent practicable, reconciled and harmonized. *Id.*; *S. Nev. Homebuilders v.*

1 *Clark Cnty.*, 121 Nev. 446, 449, 117 P.3d 171, 173 (2005). In addition, this Court will not
2 render any part of the statute meaningless, and will not read the statute's language so as to
3 produce absurd or unreasonable results. *See Leven*, 123 Nev. at 405, 168 P.3d at 716. When
4 "the words of the statute have a definite and ordinary meaning, this court will not look beyond
5 the plain language of the statute, unless it is clear that this meaning was not intended." *Glover v.*
6 *Concerned Citizens for Fuji Park*, 118 Nev. 488, 50 P.3d 546, 548 (2002) (stating that "[i]t is
7 well established that when the language of a statute is unambiguous, a court should give that
8 language its ordinary meaning"), overruled in part by *Garvin v. Dist. Ct.*, 118 Nev. 749, 59 P.3d
9 1180, 1191 (2002).

10 Here, the term "proceeding" is not defined. In common usage when referring to legal
11 matters, "proceedings" means "the course of procedure in a judicial action or in a suit in
12 litigation: legal action" or "a particular action at law or case in litigation." *Icenhower v. SAIF*
13 *Corp.*, 180 Or. App. 297, 301-02, 43 P.3d 431, 433 (2002). In other words, not the appeal.
14 However, the term can be properly understood not just as a matter of common usage but also as a
15 term of art. In that sense, Black's Law Dictionary, offers two pertinent definitions of
16 "proceeding":

17 1. The regular and orderly progression of a lawsuit, including all acts and
18 events between the time of commencement and the entry of judgment.

19 . . .

20 3. An act or step that is part of a larger action.

21 (11th Ed. 2019). Accordingly, because "proceeding" is susceptible to more than one reasonable
22 interpretation, the legislative history will determine legislative intent. *Leven v. Frey*, 123 Nev.
23 399, 404, 168 P.3d 712, 716 (2007).

24 To verify what the Legislature intended the term "proceeding" to mean, the Court should
25 take into account the 2019 amendments to NRS 239.011. *See Woofter v. O'Donnell*, 91 Nev. 756,
26 762, 542 P.2d 1396, 1400 (1975) (when a former statute is amended or a doubtful interpretation
27 of a former statute rendered certain by subsequent legislation, the amendment is persuasive
28

evidence of what the legislature intended by the first statute). The 2019 amendment to NRS 239.011 provides:

2. The court shall give this matter priority over other civil matters to which priority is not given by other statutes. If the requester prevails, the requester is entitled to recover from the governmental entity that has legal custody or control of the record his or her costs and reasonable attorney's fees in the proceeding.

3. If the governmental entity appeals the decision of the district court and the decision is affirmed in whole or in part, the requester is entitled to recover from the governmental entity that has legal custody or control of the record his or her costs and reasonable attorney's fees for the appeal.

(Emphasis added). Notably, the Legislature did not amend any language within subsection 2 and, instead, added an entire provision allowing requesters to specifically recover appellate fees and costs. The amendment reflects the Legislature's intent to allow requesters to recover fees and costs for an appeal post 2019 amendments. Thus, the term "proceeding" as used in subsection 2 cannot possibly include appellate proceedings because it would render the 2019 amendments meaningless. *Harris Assocs. v. Clark Cty. Sch. Dist.*, 119 Nev. 638, 642, 81 P.3d 532, 534 (2003) (no part of a statute should be rendered meaningless). Therefore, whether "proceeding" is ambiguous or not, LVRJ's request for their attorney's fees and costs incurred on appeal must be denied in its entirety.

3. SB 287 Cannot Be Applied Retroactively.

Any argument that the 2019 amendments apply retroactively is belied by the legislative history and the Legislature's express intent that that the amendatory provisions apply only to matters filed on or after October 1, 2019.

Substantive statutes are presumed to only operate prospectively, **unless it is clear that the drafters intended the statute to be applied retroactively.** *Sandpointe Apts. V. Eighth Jud. Dist. Ct.*, 313 P.3d 849, 853 (2013) (citations omitted) (emphasis added). Deciding when a statute operates retroactively is not always a simple or mechanical task. *Id.* at 854. Broadly speaking, courts take a commonsense, functional approach in analyzing whether applying a new statute would constitute retroactive application. *Id.* (citations omitted). Central to this inquiry are fundamental notions of fair notice, reasonable reliance, and settled expectations. *Id.* (citations omitted). Thus, a statute has a retroactive effect when it takes away or impairs vested

1 rights acquired after existing laws creates a new obligation, imposes a new duty or attaches a
2 new disability in respect to transactions or considerations already past. *Id.* (citations omitted).

3 The presumption against retroactive legislation is deeply rooted in our jurisprudence and
4 embodies a legal doctrine centuries older than our republic. *Landgraf v. USI Film Prods.*, 511
5 U.S. 244, 265 (1994). Nevada has long viewed retroactive statutes with disdain, noting that such
6 laws are odious and tyrannical and have been almost uniformly discountenanced. *Sandpointe*
7 *Apts.*, 313 P.3d at 858-59 (citing *Milliken v. Sloat*, 1 Nev. 573, 577 (1865). Thus, a statute will
8 not be applied retroactively unless:

- 9 1. The Legislature clearly manifests an intent to apply the statute retroactively; or
- 10 2. It clearly, strongly, and imperatively, appears from the act itself that the
11 Legislature's intent cannot be implemented in any other fashion.

12 *Pub. Emps.' Benefits Program v. Las Vegas Metro. Police Dep't*, 124 Nev. 138, 154, 179 P.3d
13 542, 553 (2008). In applying the above standard, the *Sandpointe Apts.* court determined that the
14 legislature did not intend for the statute to apply retroactively because: (1) the Legislature
15 provided that the statute would become effective upon passage and approval, which was not
16 enough to overcome the presumption; and (2) nothing in the statute itself demonstrated that the
17 Legislature's intent can only be implemented by applying the statute retroactively. 313 P.3d at
18 858-859. With respect to the second prong, the court found that although application of the
19 statute would have a broader effect and would vindicate its purpose more fully, that is not
20 sufficient to rebut the presumption against retroactivity. *Id.* The court held the newly enacted
21 statute still had the ability to reach a large portion of the population when applied prospectively.
22 *Id.* at 859.

23 LVRJ mistakenly relies on two cases in support of retroactive application. First, LVRJ
24 improperly directs this Court to *Badger v. Eighth Jud. Dist. Ct.*, 373 P.3d 89 (2016) for the
25 proposition that if a statutory amendment clarifies a law, the rule against retroactive application
26 does not apply. To the contrary, in that case, the Supreme Court specifically rejected to apply a
27 statutory amendment retroactively. *Id.* at 403, 373 P.3d at 94. ("This conclusion is consistent
28 with the legislative history of NRS 40.455, which contemplated neither retroactive application of

1 the 2015 amendment nor reversing this court's [prior] holdings. . . .). Next, LVRJ contends
2 because the additions to NRS 239.011 regarding appellate fees is a remedy, it must be applied
3 retroactively, citing *Valdez v. Employers Ins. Co. of Nev.*, 146 P.3d 250 (2006).³ In *Valdez*, the
4 Supreme Court retroactively applied NRS 616C.090 on the basis that it contained procedural and
5 remedial mechanisms for administering a vest entitlement. *Id.* at 257. The Court reasoned that
6 “Legislative provisions to that effect are retroactive **in the absence of a clear statement of**
7 **contrary legislative intent.**” *Id.* (emphasis added). The Court is prohibited from retroactively
8 applying the appellate fee provisions enumerated in NRS 239.011 based on the 2019
9 Amendment.

10 Here, like *Sandpointe Apts.*, the Legislature unequivocally announced that the
11 amendatory provisions throughout SB 287, including the subsection permitting a requester to
12 recover attorney fees and costs, would become effective on all matters filed on or after October
13 1, 2019. *See* Senate Bill 287 (2019). Furthermore, nothing within NRS 239.011 “demonstrate[s]
14 that the Legislature’s intent can only be implemented by applying the statute retroactively.”
15 *Sandpoint Apts.*, 313 P.3d at 858-859. LVRJ has not presented any *valid* evidence or argument
16 to rebut the heavy presumption against retroactivity. Because the Legislature’s 2019 amendment
17 to NRS 239.011 is substantive, the Court cannot retroactively apply the provision allowing a
18 requester to recover their appellate fees and costs in this case.

19 **G. LVRJ WAIVED ITS RIGHT TO SEEK COSTS.**

20 “[S]tatutes permitting recovery of costs are in derogation of common law, and therefore
21 must be strictly construed.” *Gibellini v. Klindt*, 110 Nev. 1201, 1205, 885 P.2d 540, 543 (1994).
22 NRS 18.110(1) provides that a memorandum of costs must be filed within five days of entry of
23 judgment, “or such further time as the court or judge may grant.” (Emphasis added.) The district
24 court has discretion to consider an untimely memorandum of costs. *Eberle v. State ex rel. Nell J.*
25 *Redfield Trust*, 108 Nev. 587, 590, 836 P.2d 67, 69 (1992). Even though the deadline is not
26 jurisdictional, a district court can use its discretion to decide that a party waived their right to file

27 ³ It is also worth noting that this case was superseded by *Valdez v. Employers Ins. Co. of Nev.*, 123 Nev.
28 170, 162 P.3d 148 (2007) (finding that the amendment was not a substantive entitlement).

1 by not filing the memorandum of costs within the required deadline. *Linville v. Scheeline*, 30
2 Nev. 106, 111, 93 P. 225, 227 (1908); *see also Valladares v. DMJ, Inc.*, 110 Nev. 1291, 1293–94,
3 885 P.2d 580, 582 (1994) (holding that the district court did not abuse its discretion when it
4 denied a party’s memorandum of costs where the party’s lack of diligence caused the
5 memorandum to be untimely).

6 Here, LVRJ untimely filed its first memorandum of costs on December 11, 2020, 21 days
7 after the notice of entry of order was filed. LVRJ then filed an amended memorandum of costs
8 on February 2, 2021. Notably, the stipulation entered into by the parties regarding amended
9 briefing did not address LVRJ’s memorandum of costs and, therefore, said stipulation does not
10 apply. It is likely that LVRJ relied on Nevada Rule Civil Procedure 54(d) in filing its motion for
11 fees and costs. However, NRCP 54(d) expressly governs fees and not costs. It is NRS 18.110
12 that governs the deadline for filing a memorandum of costs, which is 5 days after entry of
13 judgment. And, LVRJ cannot provide any basis for the Court to consider its untimely
14 memorandum. In fact, LVRJ failed to initially file a memorandum of costs in relation to the first
15 cost award. Accordingly, the Court should disregard LVRJ’s untimely memorandum of costs in
16 its entirety.

17 **H. THE DISTRICT COURT MUST DENY LVRJ’S REQUEST FOR COSTS.**

18 If the Court considers LVRJ’s supplemental costs, LVRJ’s request must, nevertheless,
19 be denied as the costs were not reasonably and necessarily incurred. Costs must be reasonable,
20 necessary, and actually incurred. *Cadle Co.*, 345 P.3d at 1054. A party must “demonstrate
21 how such [claimed costs] were necessary to and incurred in the present action.” *Bobby*
22 *Berosini*, 114 Nev. at 1352–1353, 971 P.2d at 386. A district court must have before its
23 **evidence** that the costs were reasonable, necessary, and actually incurred. *Cadle Co.*, 345 P.3d
24 at 1054.

25 In this case, there is no explanation as to why the claimed costs were necessary to and
26 incurred in the present action. LVRJ has merely provided a table of what costs were incurred.
27 For instance, LVRJ provides no reasoning regarding why copying charges were incurred. A date
28 of each copy and the total amount charged for copies is insufficient to demonstrate

1 reasonableness. *See Bobby Berosini*, 114 Nev. at 1352–1353, 971 P.2d at 386. Likewise, LVRJ
2 seeks reimbursement for postage but postage is not necessary based on the electronic filing
3 system, which allows you to file and/or serve documents in the case. Thus, LVRJ should not be
4 awarded its costs.

5 **IV. CONCLUSION**

6 Based on the foregoing, Coroner requests the Court denies Petitioner Las Vegas Review-
7 Journal's Amended Motion for Attorney's Fees and Costs.

8 Dated this 16th day of February, 2021.

9
10 MARQUIS AURBACH COFFING

11
12 By: /s/ Jackie V. Nichols
13 Craig R. Anderson, Esq.
14 Nevada Bar No. 6882
15 Jackie V. Nichols, Esq.
16 Nevada Bar No. 14246
17 10001 Park Run Drive
18 Las Vegas, Nevada 89145
19 Attorneys for Respondent, Clark County
20 Office of the Coroner/Medical Examiner
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **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** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 16th day of February, 2021. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:⁴

Margaret A. McLetchie, Esq.
Alina M. Shell, Esq.
McLetchie Law
701 E. Bridger Avenue, Suite 520
Las Vegas, Nevada 89101
maggie@nvlitigation.com
alina@nvlitigation.com

Attorneys for Petitioner Las Vegas Review-Journal

Laura C. Rehfeldt, Esq.
Deputy District Attorney
500 South Grand Central Pkwy, 5th Flr.
P.O. Box 552215
Las Vegas, Nevada 89155-2215
laura.rehfeldt@clarkcountyda.com
shannon.fagin@clarkcountyda.com

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

⁴ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

EXHIBIT A

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLARK COUNTY OFFICE OF THE
CORONER/MEDICAL EXAMINER,
Appellant,
vs.
LAS VEGAS REVIEW-JOURNAL,
Respondent.

No. 82229

FILED

JAN 12 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER DISMISSING APPEAL

Cause appearing, appellant's motion for a voluntary dismissal of this appeal is granted. This appeal is dismissed. NRAP 42(b). Each party shall bear its own fees and costs.

It is so ORDERED.

CLERK OF THE SUPREME COURT
ELIZABETH A. BROWN

BY: 

cc: Hon. James Crockett, District Judge
Marquis Aurbach Coffing
Clark County District Attorney/Civil Division
McLetchie Law
Eighth District Court Clerk

SUPREME COURT
OF
NEVADA

CLERK'S ORDER

(0)-1947 

21-00944

JA1159

EXHIBIT B

Krista Busch

From: Maggie <maggie@nvlitigation.com>
Sent: Thursday, December 31, 2020 12:21 PM
To: Jackie V. Nichols; Laura Rehfeldt
Cc: Alina; Pharan; Lacey
Subject: RE: [External] LVRJ v Coroner [IWOV-iManage.FID1037193]

We have them. Thank you very much, Laura, for ensuring my client and I both got the records. Happy New Year, all.

Maggie McLetchie



701 E. Bridger Ave., Suite 520, Las Vegas, NV 89101
(702)728-5300 (T) / (702)425-8220 (F)
www.nvlitigation.com

IMPORTANT NOTICE: Privileged and/or confidential information, including attorney-client communication and/or attorney work product may be contained in this message. This message is intended only for the individual or individuals to whom it is directed. If you are not an intended recipient of this message (or responsible for delivery of this message to such person), any dissemination, distribution or copying of this communication is strictly prohibited and may be a crime. No confidentiality or privilege is waived or lost by any misdirection of this message. If you received this message in error, please immediately delete it and all copies of it from your system, destroy any hard copies of it and notify the sender by return e-mail.

From: Jackie V. Nichols <jnichols@maclaw.com>
Sent: Thursday, December 31, 2020 9:23 AM
To: Maggie <maggie@nvlitigation.com>; Laura Rehfeldt <Laura.Rehfeldt@clarkcountyda.com>
Cc: Alina <Alina@nvlitigation.com>; Pharan <pharan@nvlitigation.com>; Lacey <lacey@NVLITIGATION.COM>; '15090_001 _Clark County_Las Vegas Review_Journal adv__4_ E_Mails_EMAIL_15090_001' <{F1037193}.iManage@AMUN.marquisaurbach.com>
Subject: RE: LVRJ v Coroner [IWOV-iManage.FID1037193]

Maggie,

The records will be hand delivered to your office this morning.



MARQUIS AURBACH
COFFING

Jacqueline V. Nichols, Esq.

10001 Park Run Drive
Las Vegas, NV 89145
t | 702.207.6091
f | 702.382.5816
jnichols@maclaw.com
maclaw.com



Please consider the environment before printing this e-mail

DO NOT read, copy or disseminate this communication unless you are the intended addressee. This e-mail communication contains confidential and/or privileged information intended only for the addressee. If you have received this communication in error, please call us (collect) immediately at (702) 382-0711 and ask to speak to the sender of the communication. Also please e-mail the sender and notify the sender immediately that you have received the communication in error. Thank you. Marquis Aurbach Coffing - Attorneys at Law

From: Maggie <maggie@nvlitigation.com>

Sent: Wednesday, December 30, 2020 6:09 PM

To: Laura Rehfeldt <Laura.Rehfeldt@clarkcountyda.com>; Jackie V. Nichols <jnichols@maclaw.com>

Cc: Alina <Alina@nvlitigation.com>; Pharan <pharan@nvlitigation.com>; Lacey <lacey@NVLITIGATION.COM>

Subject: [External] LVRJ v Coroner

Importance: High

As you are aware, today is the deadline to get us the records. As you are likely also aware, the Nevada Supreme Court denied the petition for rehearing. Thus, there is no basis to withhold the records. Moreover, the filing of the petition never excused your obligations to provide the records. Please get back to me immediately so we can make arrangements and you can avoid further disobedience of the binding court order. Thank you in advance.

Maggie McLetchie



701 E. Bridger Ave., Suite 520, Las Vegas, NV 89101

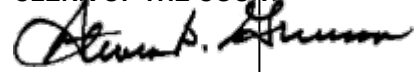
(702)728-5300 (T) / (702)425-8220 (F)

www.nvlitigation.com

IMPORTANT NOTICE: Privileged and/or confidential information, including attorney-client communication and/or attorney work product may be contained in this message. This message is intended only for the individual or individuals to whom it is directed. If you are not an intended recipient of this message (or responsible for delivery of this message to such person), any dissemination, distribution or copying of this communication is strictly prohibited and may be a crime. No confidentiality or privilege is waived or lost by any misdirection of this message. If you received this message in error, please immediately delete it and all copies of it from your system, destroy any hard copies of it and notify the sender by return e-mail.

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.



1 **RIS**

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 *Attorneys for Petitioner Las Vegas Review-Journal*

10 **EIGHTH JUDICIAL DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 LAS VEGAS REVIEW-JOURNAL,

Case No.: A-17-758501-W

13 Petitioner,

Dept. No.: XXIX

14 vs.

15 CLARK COUNTY OFFICE OF THE
16 CORONER/MEDICAL EXAMINER,

**REPLY IN SUPPORT OF
AMENDED MOTION FOR
ATTORNEY'S FEES AND COSTS**

17 Respondent.

Hearing Date: March 2, 2021

Hearing Time: 9:00 a.m.

18 Petitioner the Las Vegas Review-Journal (the "Review-Journal"), by and through
19 its counsel of record, hereby submits this Reply in support of its Amended Motion for
20 Attorney's Fees and Costs. This Reply is supported by the attached memorandum of points
21 and authorities, any attached exhibits, and the pleadings and papers on file with this Court.

22 DATED this 23rd day of February, 2021.

23 /s/ Alina M. Shell

24 MARGARET A. MCLEATCHIE, Nevada Bar No. 10931

25 ALINA M. SHELL, Nevada Bar No. 11711

26 **MCLEATCHIE LAW**

27 701 E. Bridger Avenue, Suite 520

28 Las Vegas, NV 89101

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

Email: maggie@nvlitigation.com

Attorneys for Petitioner Las Vegas Review-Journal

TABLE OF CONTENTS

TABLE OF AUTHORITIES	iv
I. INTRODUCTION	1
II. REPLY TO THE CORONER’S FACTUAL ALLEGATIONS	2
A. The Coroner Lost on Its Claims that the Autopsy Reports Were Categorically Confidential.....	3
B. The Coroner Lost on Its Claim that It Was Immune from Attorney’s Fees.	5
III. RESPONSE TO THE CORONER’S LEGAL STANDARD	7
IV. ARGUMENT	7
A. The Review-Journal is the Prevailing Requester.	7
B. The Fees and Costs Incurred by the Review-Journal Throughout This Proceeding Are Reasonable.	9
1. The Fees and Costs the Review-Journal Incurred from July 2017 through Appeal Are Reasonable.	9
C. The <i>Brunzell</i> Factors Weigh in Favor of Awarding the Review-Journal All Its Fees and Costs.....	13
1. The Work Performed in This Matter Was Complex and Difficult.	14
2. The Review-Journal is Entitled to Fees and Costs Incurred Prior to Filing Its Petition.	15
3. The Review-Journal’s Rates Are Reasonable	16
D. The Review-Journal is Entitled to Recover Administrative Fees.....	18
E. The Review-Journal is Entitled to Fees Incurred Opposing the Coroner’s Motion for Stay of the Post-Remand Order.	19
F. The Review-Journal is Entitled to Fees Incurred on Appeal.	19
G. The Review-Journal Is Entitled to Its Costs.	22
1. The Review-Journal Did Not “Waive” Its Rights to Costs.....	22

1	2. The Review-Journal’s Costs are Reasonable and Well-Documented.....	23
2	V. CONCLUSION.....	24
3	CERTIFICATE OF SERVICE	25
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

TABLE OF AUTHORITIES

Cases

<i>Am. Contractors Indem. Co. v. Emerald Assets L.P.</i> , 2016 WL 4591767 (D. Nev. Sept. 2, 2016)	17
<i>Am. Gen. Life Ins. Co. v. Futrell</i> , No. 2:11-cv-00977-PMP-CWH, 2012 WL 5497901 (D. Nev. Nov. 13, 2012)	18
<i>Archway Ins. Servs., LLC v. Harris</i> , 2014 WL 384530 (D. Nev. 2014)	16
<i>Banks v. Robinson</i> , No. 2:11-CV-00441-RLH, 2012 WL 993303 (D. Nev. Mar. 23, 2012)	16
<i>Bobby Berosini, Ltd. v. People for the Ethical Treatment of Animals</i> , 114 Nev. 1348, 971 P.2d 383 (1998)	20, 21
<i>Boliba v. Camping World, Inc.</i> , 2015 WL 50899808 (D. Nev. Aug. 27, 2015)	17, 18
<i>Braunstein v. Arizona Dep't of Transp.</i> , 683 F.3d 1177 (9th Cir. 2012)	9
<i>Breeden v. Eighth Jud. Dist. Ct.</i> , 131 Nev. 96, 343 P.3d 1242 (2015)	19
<i>Brunzell v. Golden Gate Nat. Bank</i> , 85 Nev. 345, 455 P.2d 31 (1969)	13
<i>Cervantes v. Emerald Cascade Rest. Syst., Inc.</i> , 2013 WL 3878692 (D. Nev. July 25, 2013)	17
<i>Clark Cty. Office of the Coroner/Medical Exam'r v. Las Vegas Review-Journal</i> , 134 Nev. 174, 415 P.3d 16 (2018)	6
<i>Clark Cty. Office of the Coroner/Medical Exam'r v. Las Vegas Review-Journal</i> , 136 Nev. 44, 458 P.3d 1048 (2020)	3, 4, 5, 6
<i>Conboy v. Wynn Las Vegas, LLC</i> , 2014 WL 4079483 (D. Nev. 2014)	16
<i>DR Partners v. Bd. of Cty. Comm'rs of Clark Cty.</i> , 116 Nev. 616, 6 P.3d 465 (2000)	8

1	<i>Eberle v. State ex rel. Nell J. Redfield Trust,</i>	
2	108 Nev. 587, 836 P.2d 67 (1992)	23
3	<i>Fernandez v. Fernandez,</i>	
4	126 Nev. 28, 222 P.3d 1031 (2010)	21
5	<i>Gonzalez-Rodriguez v. Mariana’s Enterprises, et al.,</i>	
6	No. 2:15-cv-00152-JCM-PAL, 2016 WL 3869870 (D. Nev. July 14, 2016)	16, 17
7	<i>Hensley v. Eckerhart,</i>	
8	461 U.S. 424, 103 S.Ct. 1933, 76 L.Ed.2d 40 (1983)	8
9	<i>In re Estate & Living Tr. of Miller,</i>	
10	125 Nev. 550, 216 P.3d 239 (2009)	20, 21
11	<i>In re Resort at Summerlin Litig.,</i>	
12	122 Nev. 177, 127 P.3d 1076 (2006)	22
13	<i>LVMPD v. Blackjack Bonding,</i>	
14	131 Nev. 80, 343 P.3d 608 (2015)	1, 7, 8, 10
15	<i>Mahban v. MGM Grand Hotels,</i>	
16	100 Nev. 593, 691 P.2d 421 (1984)	23
17	<i>Martin v. Duncan Auto. Co.,</i>	
18	53 Nev. 212, 296 P. 24 (1931)	20
19	<i>Mayweather v. Wine Bistro,</i>	
20	2014 WL 6882300 (D. Nev. Dec.4, 2014)	18
21	<i>Merrill v. DeMott,</i>	
22	113 Nev. 1390, 951 P.2d 1040 (1997)	23
23	<i>Missouri v. Jenkins by Agyei,</i>	
24	491 U.S. 274 (1989)	18
25	<i>Musso v. Binick,</i>	
26	104 Nev. 613, 764 P.2d 477 (1988)	21
27	<i>Nevada Power Co. v. Haggerty,</i>	
28	115 Nev. 353, 989 P.2d 870 (1999)	22
	<i>Nevada Yellow Cab Corp. v. Eighth Judicial Dist. Court ex rel. Cty. of Clark,</i>	
	123 Nev. 44, 152 P.3d 737 (2007)	23
	///	

1	<i>Perez v. Cate,</i>	
2	632 F.3d 553 (9th Cir. 2011)	18
3	<i>Segovia v. Eighth Judicial Dist. Court in & for Cty. of Clark,</i>	
4	133 Nev. 910, 407 P.3d 783 (2017)	21
5	<i>Sierra Life Ins. Co. v. Rottman,</i>	
6	95 Nev. 654, 601 P.2d 56 (1979)	22
7	<i>Tulelake Horseradish, Inc. v. Santa Margarita Ranch, LLC,</i>	
8	132 Nev. 1038, 2016 WL 3433040, n.1 (2016)	21
9	<i>University of Nevada v. Tarkanian,</i>	
10	110 Nev. 581, 879 P.2d 1180 (1994)	8
11	<i>Valley Elec. Ass’n v. Overfield,</i>	
12	121 Nev. 7, 106 P.3d 1198 (2005)	7, 8
13	Statutes	
14	5 U.S.C. § 552	14
15	29 U.S.C. § 201	16
16	Nev. Rev. Stat. § 18.010	20
17	Nev. Rev. Stat. § 18.110	22, 23
18	Nev. Rev. Stat. § 108.239	22
19	Nev. Rev. Stat. § 239.001	7, 20, 21
20	Nev. Rev. Stat. § 239.011	passim
21	Nev. Rev. Stat. § 432B.407	3
22	Nev. Rev. Stat. § 629.021	4
23	Rules	
24	Nev. R. Civ. P. 68	20
25	NRAP 27(e)	11
26	NRAP 42	19
27		
28		

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

The Nevada Public Records Act (“NPRA”) plainly mandates that “[i]f the requester prevails [in an action seeking access to records], the requester is entitled to recover his or her costs and reasonable attorney’s fees in the proceeding from the governmental entity whose officer has custody of the book or record.” Nev. Rev. Stat. § 239.011(2). A party “prevails” under the NPRA if it succeeds on “*any significant issue* in litigation which achieves some of the benefit it sought in bringing suit. *LVMPD v. Blackjack Bonding*, 131 Nev. 80, 90, 343 P.3d 608, 615 (2015) (emphasis in original) (quotation omitted). In this case, the Review-Journal has succeeded on a significant issue in this public records matter (in fact, the most significant issue)—access to copies of the requested autopsy reports.

Because the Review-Journal has succeeded on a significant issue in this case, it is entitled to recover all of its fees in this proceeding, without regard to whether it succeeded on the most significant issue and without regard to whether it failed on multiple significant issues. However, in this case, as it so happens, the Review-Journal did succeed on the most significant issue (access to the autopsy reports). The Review-Journal also prevailed on a number of important issues throughout the litigation, including, among others, the Coroner’s argument that autopsy reports are categorically confidential and the Coroner’s argument that it was immune from an award of fees and costs so long as it acted in good faith. And on remand from the Nevada Supreme Court, the Review-Journal prevailed in establishing that the public interests to be advanced by access to the autopsy reports outweighed the Coroner’s assertions regarding the privacy interests implicated by disclosure.

In its effort to evade payment of the Review-Journal’s fees and costs, the Coroner spins out a series of unavailing arguments. First, and perhaps most bizarre, the Coroner asserts that the Review-Journal is not entitled to fees and costs incurred prior to remand because the Coroner believes it “prevailed at every turn.” (Opp., p. 7:21.) This argument fails for two fundamental reasons. First, as stated above and discussed more below, the Review-Journal is entitled to fees so long as it succeeds on any significant issue. Second, the

Coroner’s outlandish assertion that it “prevailed” in this case “at every turn” crumbles under the reality of the Review-Journal’s victories in this matter, and the Coroner’s defeat on almost every one of its substantive legal claims.

The Coroner also attempts to critique the reasonableness of the Review-Journal’s fees and costs in this matter. Contrary to the Coroner’s arguments, the work performed in this case was complex and time consuming, and the work performed by counsel was necessary to achieve the successes the Review-Journal has had in this matter. Moreover, the rates for the Review-Journal’s counsel are reasonable, and consistent with prior awards in similar matters.

In addition to rejecting the Coroner’s incorrect reading of the NPRA’s mandatory fees provision, a reading at odds with the statute and contrary to Supreme Court precedent, this Court should reject the Coroner’s arguments to reduce the fees and costs rightfully sought in this motion. Contrary to Metro’s arguments, administrative fees are recoverable, and the Review-Journal properly supported its request for fees and costs. Therefore, the Review-Journal is entitled to its all requested fees and costs incurred in this proceeding—including all fees incurred before this Court to enforce this Court’s orders, all fees related to the instant fees motion and supporting supplements, and all fees incurred on appeal.

II. REPLY TO THE CORONER’S FACTUAL ALLEGATIONS

A central misconception that runs through the Coroner’s Opposition is that it somehow has “prevailed” in this matter. According to the Coroner’s perception of events, “from the onset through appeal and up until the District Court’s most recent order, the Coroner prevailed at every turn.” (Opp., p. 7:19-21.) Although the Review-Journal would be entitled to fees even if the Coroner were correct, so long as the Review-Journal prevailed on any significant issue, the Coroner’s take on the procedural history of this case is at odds with what has transpired. The Coroner obtained some minor procedural victories in the form of temporary stays, and the Supreme Court ruled that the records can be subjected to a balancing test before being turned over, but the Coroner lost on most major substantive issues from the start of this litigation to the end. The Coroner lost on its primary and initial substantive claim

1 that the autopsy reports at issue were categorically confidential (after that, falling back on
2 the balancing test argument), lost on its substantive claim that it was immunized from an
3 award of attorney's fees unless it had acted in bad faith, and lost on the ultimate substantive
4 issue of whether the Review-Journal was entitled under the applicable balancing test to the
5 documents sought in this litigation.

6 **A. The Coroner Lost on Its Claims that the Autopsy Reports Were**
7 **Categorically Confidential.**

8 As demonstrated by the record of this matter and discussed in the Nevada Supreme
9 Court's opinion in *Clark Cty. Office of Coroner/Med. Exam'r v. Las Vegas Review-Journal*,
10 136 Nev. 44, 458 P.3d 1048 (2020) ("*Coroner*"), the Coroner argued to this Court that the
11 autopsy records the Review-Journal requested were categorically confidential pursuant to
12 Nev. Rev. Stat. § 432B.407(6), which renders confidential any records or information
13 acquired by a Child Death Review team. *Coroner*, 136 Nev. at 47, 458 P.3d at 1051. This
14 Court rejected that argument and ordered the Coroner to produce the requested records
15 without redaction. *Id.* at 47, 1052; *see also* November 9, 2017, Order granting Petition. On
16 appeal, the Supreme Court affirmed this Court's conclusion that Nev. Rev. Stat. §
17 432B.407(6) did not render the requested autopsy reports categorically confidential, noting
18 that both the "plain language" of the statute and "the statutory scheme of NRS Chapter 432B
19 as a whole reflects a clear legislative intent to make certain information concerning child
20 fatalities publicly available." *Id.* at 52, 1055; *see also id.* at 54, 1056 ("We therefore conclude,
21 based on the plain language of NRS 432B.407(6) and the expressed purposes behind NRS
22 Chapter 432B, that the CDR team confidentiality provision is not intended to categorically
23 exempt records held by an individual CDR agency, such as the Coroner's Office, from the
24 NPRA's disclosure requirements.").

25 The Coroner also asserted on appeal "that it may withhold juvenile autopsy reports
26 in their entirety in order to protect sensitive personal medical information of child
27 decedents." *Id.* at 54, 1056. With respect to that assertion, the Supreme Court rejected each
28 of the Coroner's legal arguments, including its claim that the autopsy reports were
categorically confidential pursuant to the federal Health Insurance Portability and

1 Accountability Act (“HIPAA”), its claim that the autopsy reports were categorically
2 confidential pursuant to Nev. Rev. Stat. § 629.021, its claim that the autopsy reports were
3 categorically confidential pursuant to a 2017 Assembly Bill that modified a statute pertaining
4 to next-of-kin notifications, and its claim of confidentiality based on Attorney General
5 Opinion 82-12. *Id.* at 54, 1056 (“We disagree that these authorities justify withholding
6 juvenile autopsy reports in their entirety.”)

7 After rejecting the Coroner’s myriad assertions that the autopsy reports were
8 categorically exempt from disclosure, the Supreme Court looked at a secondary argument
9 about whether the records should be subject to a balancing test that might, under some
10 circumstances, allow for redaction of portions of the records. The Supreme Court found that
11 because the Coroner had established that the disclosure implicated a nontrivial personal
12 privacy interest because the autopsy reports may contain medical and health-related
13 information. *Id.* at 56, 1057. Accordingly, the Supreme Court remanded the matter for the
14 district court to determine, under the test articulated in *CCSD*, what autopsy report
15 information must be disclosed under the NPRA and whether any information could be
16 redacted as private medical or health-related information. *Id.* at 58, 1059.

17 In sum, the Supreme Court soundly rejected every argument the Coroner made in
18 its efforts to assert the autopsy reports were categorically confidential and remanded the
19 matter solely for the Court to determine whether any information could be redacted from the
20 reports.

21 On remand, this Court found that disclosure of the autopsy reports in unredacted
22 form would further multiple significant interests, and that the information the Coroner fought
23 so hard to keep from the public would advance those interests and ordered the Coroner to
24 produce the records. (*See generally* November 20, 2020, Order on Remand.) After a failed
25 attempt to seek writ relief from the Supreme Court and an abortive attempt to seek appellate
26 review of the Court’s order, the Coroner finally provided, as it was ordered to do, the
27 unredacted autopsy reports to the Review-Journal on December 31, 2020. (**Exh. 7.**)

28 ///

1 The Coroner did not “prevail[] at every turn.” Rather, the Court ordered the Coroner
2 to provide the unredacted autopsy reports to the Review-Journal after, as this Court
3 explained, nearly three and a half years of “circumvent[ing] and avoid[ing] the clear letter
4 and spirit of the Nevada Public Records Act by stonewalling, obfuscating, and frivolously
5 offering up entirely trivial, generic, and categorical claims of privacy without making even
6 the slightest effort to particularize a nontrivial privacy interest” at both the district court and
7 on appeal. It does not take all of that for a party petitioning for records to “prevail” for
8 purposes of obtaining attorneys’ fees, but as the case history makes abundantly clear, the
9 Review-Journal is indisputably the prevailing party in this case and would be even if the law
10 required it to prevail on nearly every significant issue rather than on just any significant issue.
11 (Transcript of December 10, 2020, Hearing on Coroner’s Motion for Stay, pp. 8:24-9:2.)

12 **B. The Coroner Lost on Its Claim that It Was Immune from Attorney’s Fees.**

13 With regard to the fees issue, the Coroner asserts it argued on appeal that “the award
14 of fees and costs must be vacated if the Supreme Court ruled in favor of the Coroner,” and
15 that the Supreme Court “vacated the fee and cost award in its entirety, reasoning that LVRJ
16 was not the prevailing party.” (Opp., p. 4:16-17; *see also id.* at p. 7:16-17 (stating same).) In
17 so arguing, the Coroner both omits its primary appellate argument and mischaracterizes the
18 Supreme Court’s decision. In its opposition to the Review-Journal’s original motion for fees
19 and costs, the Coroner asserted—based on an improper interpretation of two unrelated
20 provisions of the NPRA— it was “immune from an award of attorney fees because it
21 withheld the requested autopsy reports in good faith.” (*See, e.g.*, December 14, 2017,
22 Opposition, pp. 5:1-16:7.) This Court rejected the Coroner’s argument and awarded the
23 Review-Journal its fees and costs. (*See* February 1, 2018, Order granting Motion for
24 Attorney’s Fees and Costs.)

25 The Coroner made the same argument on appeal. *See Coroner*, 136 Nev. at 60, 458
26 P.3d at 1060 (discussing the Coroner’s immunity argument). The Supreme Court also
27 rejected the Coroner’s argument. *Id.* at 60-62, 1061-62. The Supreme Court found that the
28 NPRA “does not immunize the Coroner’s Office from an award of attorney fees as a matter

of law.” *Coroner*, 136 Nev. at 62, 458 P.3d at 1061. Given the procedural posture of the case (it was being remanded to determine if any information could be redacted from the records), the Supreme Court did “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.” *Id.* at 62, 1061 (emphasis added). Thus, while the Coroner rather disingenuously asserts that the Supreme Court “reason[ed] that LVRJ was not the prevailing party,” (Opp., p. 4:16-17), the Supreme Court simply held that because the case was not over, the time was not yet right to find the Review-Journal was a prevailing party. The Coroner’s assertion that it somehow “prevailed” on this issue therefore strains credulity beyond its breaking point.

At best, the Coroner had two procedural victories and a victory on one interim substantive issue. As the Coroner notes, it did obtain a stay pending appeal of the Court’s November 9, 2017, Order directing the Coroner to produce the autopsy reports. (January 12, 2018, Order.) Of course, that procedural victory was ephemeral, as evidenced by the fact that the Coroner has now produced the autopsy reports in unredacted form. (**Exh. 7.**) The Coroner also obtained a stay on the fees award pending appeal. *See Clark Cty. Office of the Coroner/Medical Exam’r v. Las Vegas Review-Journal*, 134 Nev. 174, 415 P.3d 16 (2018). Finally, the Supreme Court did find the Coroner had established that disclosure of the autopsy reports implicated a nontrivial personal privacy interest¹ triggering a shifting burden under a balancing test, but the Supreme Court still determined the Review-Journal was generally entitled to the records and, in any event, the Review-Journal successfully demonstrated on remand that the significant public interests that would be advanced by release of the autopsy reports outweighed the Coroner’s privacy concerns. (November 20, 2020, Order, ¶ 57.) Because the Review-Journal had met this burden, the Court ordered the Coroner to produce the autopsy reports to the Review-Journal. (*Id.*, p. 15:5-7.) Thus, the Coroner’s argument that it “prevailed at every turn” is, at best, an amusing attempt to claim victory despite a crushing defeat.

¹ *Coroner*, 136 Nev. at 56, 458 P.3d at 1058.

III. RESPONSE TO THE CORONER'S LEGAL STANDARD

In its statement regarding the legal standard, the Coroner asserts that “[s]tatutes permitting the recovery of costs are to be strictly construed because they are in derogation of the common law.” (Opp., p. 5:20-21) (citation omitted). However, the Supreme Court has articulated the appropriate standard this Court must apply in determining whether a requester is entitled to recover its fees and costs. According to the Supreme Court, a requester “prevails” and is entitled to an award of fees and costs under Nev. Rev. Stat. § 239.011(2), “if it succeeds on *any significant issue* in litigation which achieves some of the benefit it sought in bringing suit.” *LVMPD v. Blackjack Bonding*, 131 Nev. 80, 90, 343 P.3d 608, 615 (2015) (quoting *Valley Elec. Ass’n v. Overfield*, 121 Nev. 7, 10, 106 P.3d 1198, 1200 (2005) (emphasis in original). That decision is consistent with the language of the fee provision in the NPRA and with the requirement that the provisions of the NPRA “must be construed liberally” and any restriction “construed narrowly” to further the NPRA purpose of fostering democratic principles through access to public records. Nev. Rev. Stat. § 239.001(2) and (3).

In this case, the Review-Journal prevailed on a significant issue. In fact, it prevailed on many significant issues. Indeed, it prevailed on the most significant issue in this litigation: access to every requested record. Thus, the Review-Journal is entitled to a full award of its fees and costs.

IV. ARGUMENT

A. The Review-Journal is the Prevailing Requester.

The NPRA provides that “...[i]f the requester prevails [in obtaining access to records], the requester is *entitled* to recover his or her costs and reasonable attorney’s fees in *the proceeding* from the governmental entity whose officer has custody of the book or record.” Nev. Rev. Stat. § 239.011(2) (emphasis added). “[B]y its plain meaning, this statute grants a requester who prevails in NPRA litigation the right to recover attorney fees and costs.” *LVMPD v. Blackjack Bonding*, 131 Nev. Adv. Op. 10, 343 P.3d 608, 615 (2015), *reh’g denied* (May 29, 2015), *reconsideration en banc denied* (July 6, 2015).

///

1 While the Coroner appears to argue that the Review-Journal's fees should be
2 apportioned based on some minor or interim victories and its distorted perception regarding
3 the events in this case, the *Blackjack* Court explained that a party need only prevail on "any
4 significant issue" to be entitled to a full award of fees and costs:

5 A party prevails "if it succeeds on *any significant issue* in litigation which
6 achieves some of the benefit it sought in bringing suit." *Valley Elec. Ass'n*
7 *v. Overfield*, 121 Nev. 7, 10, 106 P.3d 1198, 1200 (2005) (emphasis added)
8 (internal quotations omitted). ***To be a prevailing party, a party need not***
9 ***succeed on every issue***. See *Hensley v. Eckerhart*, 461 U.S. 424, 434, 103
S.Ct. 1933, 76 L.Ed.2d 40 (1983) (observing that "a plaintiff [can be]
deemed 'prevailing' even though he succeeded on only some of his claims
for relief").

10 *Id.* at 615 (emphasis added); see also *DR Partners v. Bd. of Cty. Comm'rs of Clark Cty.*, 116
11 Nev. 616, 628–29, 6 P.3d 465, 473 (2000) (reversing an order denying access and remanding
12 to district court to award fees). The Nevada Supreme Court has made clear that a party who
13 substantially prevailed is entitled to recoup all attorney's fees and costs, even if that party
14 did not ultimately succeed on all claims. See, e.g., *University of Nevada v. Tarkanian*, 110
15 Nev. 581, 595-598, 879 P.2d 1180, 1189-90 (1994). In *Blackjack*, for example, the Court
16 found that because Blackjack had prevailed on a significant goal of its petition—namely, a
17 writ ordering the Las Vegas Metropolitan Police Department to produce telephone records
18 for inmates at the Clark County Detention Center—its loss on a significant issue regarding
19 costs related to the production of those records did not impact its status as the prevailing
20 party. *Blackjack*, 131 Nev. at 90, 343 P.3d at 615 ("Blackjack was a prevailing party and is
21 entitled to recover attorney fees and costs associated with its efforts to secure access to the
22 telephone records, despite the fact that it was to pay the costs of production.").

23 As noted above, the Review-Journal prevailed in the ultimate significant issue in
24 this case: access to unredacted copies of the requested autopsy reports. The Review-Journal
25 also prevailed in defeating each of the Coroner's primary arguments that the autopsy reports
26 were categorically confidential. Additionally, the Review-Journal succeeded in another
27 significant portion of this litigation: obtaining a Supreme Court decision which soundly
28 rejected the Coroner's arguments that governmental entities are immune from awards of fees

1 and costs in public records matters in the absence of a finding of bad faith. Furthermore, the
2 issues raised by the Review-Journal that were not successful were not frivolous, and the work
3 performed on those issues was necessarily interrelated to the many issues on which the
4 Review-Journal prevailed. *See Braunstein v. Arizona Dep't of Transp.*, 683 F.3d 1177, 1187
5 (9th Cir. 2012).

6 **B. The Fees and Costs Incurred by the Review-Journal Throughout This**
7 **Proceeding Are Reasonable.**

8 As set forth in the Review-Journal's Consolidated Amended Motion, despite the
9 Coroner's rather unique (but factually and legally inaccurate) claims about how it "prevailed"
10 in this matter, the undisputed facts of this matter establish that the Review-Journal is a
11 prevailing requester and is therefore entitled to recover its reasonable attorney's fees and
12 costs from the Coroner. Nev. Rev. Stat. § 239.011(2). As set forth in the declaration of
13 counsel and the supporting documentation appended to the Consolidated Amendment
14 Motion and discussed further below, the fees incurred by the Review-Journal are reasonable.
15 Accordingly, the Court should reject each of the Coroner's attempts to limit or apportion the
16 fees and costs to which the Review-Journal is entitled.

17 **1. The Fees and Costs the Review-Journal Incurred from July 2017**
18 **through Appeal Are Reasonable.**

19 Despite the clear record of this case demonstrating just how much the Review-
20 Journal prevailed in this case, the Coroner makes the novel argument that the Review-Journal
21 is not entitled to recoup the fees incurred prior to and during appeal "in light of the fact that
22 it was of no benefit to the relief sought by LVRJ—production of autopsy reports and an
23 award of fees." (Opp., p. 7:13-14.) This particular contention—which is entirely unsupported
24 by reference to any legal authority—is patently absurd. It should seem rather obvious that,
25 but for the work of the Review-Journal's counsel at every stage in this proceeding, the
26 Review-Journal would not have obtained the autopsy records it was forced to fight nearly
27 four years to get and would not have obtained the Supreme Court decision establishing that
28 the Coroner is not immune from a fees award except in cases of bad faith. The Coroner's
attempt to carve out the hundreds of hours of work the Review-Journal's counsel put in to

1 reach that stage is thus utterly lacking in logic or merit.

2 The Coroner's attempt to recast the prevailing party analysis as requiring a
3 prevailing party to obtain complete success on each motion is not supported by any of the
4 cases it cites. More fundamentally, the Coroner's argument cannot be reconciled with the
5 text of the NPRA and the Nevada Supreme Court's decision in *Blackjack*. Again, the NPRA
6 mandates that a prevailing requester—which is one prevails on any significant issue which
7 achieves some of the benefit it sought in bringing suit—is “entitled” to all its “reasonable”
8 fees. As even the Coroner concedes, the Review-Journal prevailed in the most significant
9 goal of this litigation—obtaining access to the requested autopsy reports. Thus, under the
10 text of the NPRA, the Review-Journal is entitled to all its fees and costs incurred at every
11 stage in this case, so long as they are reasonable.

12 ***a. The Review-Journal is Entitled to Compensation for Work Related***
13 ***to The Coroner's Non-Compliance with the Court's Order***

14 The Coroner first objects to two time entries from December 31, 2020, for work
15 performed by counsel related to a possible contempt motion. (Opp., pp. 8:24-9:3.) According
16 to the Coroner, it is “inappropriate” for the Review-Journal to request compensation for this
17 work because the Coroner provided the records to the Review-Journal that day. (Opp., p.
18 8:24-27.) However, this work was entirely necessary, and related to ensuring enforcement of
19 this Court's order to the Coroner to produce the autopsy reports to the Review-Journal by
20 December 30, 2020. (*See* Trans. of December 10, 2020, hearing on motion for stay, p. 16:16-
21 19 (stating that the Court would “extend the deadline to December 30th” for production of
22 the autopsy reports).)

23 As is reflected by the record of this matter, the work counsel performed on a
24 tentative motion regarding the Coroner's contumacy was entirely necessary given the
25 Coroner's tactics in this matter. Following the hearing on the parties' post-remand briefings,
26 the Court entered an order on November 20, 2020, ordering the Coroner to produce the
27 autopsy reports in unredacted form by November 30, 2020. (*See generally* November 20,
28 2020, Order.) That same day, the Coroner filed a motion on an order shortening time
requesting a stay of the Order. (November 20, 2020, Motion for Stay.) On November 30,

2020, despite the absence of a stay from the Court, the Coroner did not produce the autopsy reports to the Review-Journal and provided no explanation for the non-production, which in turn required the Review-Journal to move the Court for an order to show cause why the Coroner should not be held in contempt for its failure to comply with the Court's Order. (*See* December 7, 2020, Motion for Order to Show Cause.)

During the hearing on both the Motion for Stay and Motion for Order to Show Cause, the Court denied the Coroner's request for a stay, and extended the deadline for production to December 30, 2020. (Trans. of December 10, 2020, hearing, p. 16:16-19.) After the Court denied the Coroner's request for a stay, the Coroner sought emergency relief from the Nevada Supreme Court to stay the Order. (*See* December 17, 2020, Emergency Motion for Relief Under NRAP 27(e) filed in Nevada Supreme Court Case No. 82229.) On December 29, 2020, the Supreme Court entered an order denying the Coroner's request for a stay. (December 29, 2020 Order in Case No. 82229.) Thus, the Coroner should have produced the autopsy reports on December 30, 2020, consistent with this Court's order.

On December 30, 2020, in light of the Supreme Court's denial and after giving the Coroner the entire business day to comply, the Review-Journal emailed the Coroner to request immediate production of the records. (**Exh. 8.**) The Coroner did not respond to this email. Given the lack of response and the Coroner's failure to comply with the Court's order yet again, the Review-Journal's counsel began to work on a potential motion for an order to show cause. The Review-Journal also emailed the Coroner to again demand production. (**Exh. 9.**) Later that morning—after counsel had spent time working on the potential motion and attempting to secure access to the records—the Coroner finally notified the Review-Journal that it would produce the autopsy reports later that morning. (**Exh. 10.**) Thus, this work was entirely necessary, in no small part because of the Coroner's unwillingness to comply with the Court's orders and its unwillingness to communicate with the Review-Journal.

///

///

b. The Review-Journal is Entitled to Compensation for Work Related to the Coroner's 2020 Appeal.

The next category of time entries the Coroner takes issue with pertains to work necessitated by the Coroner's decision to seek leave of the Clark County Board of County Commissioners ("BCC") to appeal the Court's November 20, 2020, Order. (Opp., p. 9:5-14.) The Review-Journal does concede that the December 11, 2020, entry by attorney Shell for drafting a letter to the BCC was included in error, and therefore agrees not to seek the fees associated with that entry. The two remaining entries pertaining to work performed on behalf of the Review-Journal in this matter. As the Coroner stated in its November 20, 2020, Motion, the Coroner required BCC approval to pursue an appeal from the Court's November 20, 2020, Order. (See November 20, 2020, Motion, p. 7:1-2.) Given that the Coroner's appeal had the potential to further delay access to the records the Review-Journal had been fighting to get for almost four years, counsel for the Review-Journal had a duty to prepare for and monitor the BCC's December 15, 2020 meeting. Thus, this work was related to this matter, and is entirely compensable.

c. The Review-Journal is Entitled to Compensation for Filing a Peremptory Challenge.

In addition to an obligation to monitor events outside the courtroom to protect the Review-Journal's interests, counsel also has an obligation to advocate on behalf of their client inside the courtroom. Following the retirement of the Honorable James Crockett, this matter was randomly reassigned to another department. Upon the reassignment, the Review-Journal determined that it was appropriate to exercise a peremptory challenge and did so. This work was related to protecting the Review-Journal's interests in this matter, and thus is fully compensable.

d. The Review-Journal is Entitled to Compensation for Work Performed on Setting a Briefing Schedule.

The next category of time entries the Coroner objects to are a series of time entries pertaining to work performed by the Review-Journal in reaching a stipulated-to briefing schedule in this matter. (Opp., pp. 9:15-10:8.) Again, this work was performed to protect the Review-Journal's interests in this matter, as well as the overriding interest in judicial

economy—specifically, the interest in streamlining briefing on fees to avoid multiple motions and hearings. Thus, this work is also fully compensable.

e. The Review-Journal is Entitled to Compensation for Work Performed on Submitting an Amended Fees Motion.

Finally, the Coroner objects to time entries pertaining to work performed by the Review-Journal’s counsel in preparing its February 2, 2021, Consolidated Motion for fees and costs. (Opp., p. 10:9-23.) According to the Coroner, this work is “unreasonable” because the Coroner believes the Consolidated Motion “do[es] not significantly differ” from the initial Motion filed on December 11, 2020. (*Id.*, p. 10:10.) As reflected in the billing entries for that work, however, preparing the Consolidated Motion required additional research and writing, including conducting additional legal research and providing information regarding the developments in this case that post-dated the December 11, 2020, Motion, including the Coroner’s appellate machinations. Thus, this work was reasonable and fully compensable.

C. The Brunzell Factors Weigh in Favor of Awarding the Review-Journal All Its Fees and Costs.

Contrary to the Coroner’s arguments, the *Brunzell* factors weigh in favor of granting the Review-Journal all of the fees and costs it has requested for the years of work it performed in this matter. Pursuant to *Brunzell*, this Court must consider (1) the qualities of the advocates, (2) the character of the work done, (3) the work actually performed that is, the skill, time, and attention given to the work, and (4) the result of the work. *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 455 P.2d 31 (1969). The Coroner does not dispute the qualities of the advocates in its Opposition, and in fact essentially concedes the Review-Journal’s counsel has extensive experience in NPRA matters. (Opp., p. 12:8.) The Coroner instead tries to contest the complexity of the work required in this matter, the Review-Journal’s entitlement to fees incurred prior to the filing of the Petition, and the Review-Journal’s hourly rates. Contrary to the Coroner’s arguments, the work performed in this matter required more than mere knowledge of the NPRA and its interpreting case law. Rather, this matter required analysis and application of state and federal statutes and legislation on both the Coroner’s assertions regarding confidentiality and its assertions regarding immunity from fees.

Moreover, the Coroner attack on the Review-Journal's rates falls flat. Setting aside the fact that this Court previously approved similar rates in this exact matter (*see* February 2, 2018, Order on fees), the case law that the Coroner cites to does not support any reduction in the hourly rates of the Review-Journal's counsel or their paraprofessionals.

1. The Work Performed in This Matter Was Complex and Difficult.

The Coroner argues the Review-Journal's requested rates are unreasonable because this matter was allegedly "not a time consuming or complex case." (Opp., p. 12:7-8.) In so arguing, the Coroner ignores that this case involved complex analysis of statutes and precedents beyond the four corners of the NPRA. Moreover, in litigating this matter, the Review-Journal's counsel had to not only deal with legal issues, but they also had to fight extensively against the Coroner's "blatant and flagrant attempt[s] to obstruct and frustrate the declared legislative purpose of the Nevada Public Records Act." (Trans. of December 10, 2020, hearing on motion for stay.)

The size of this litigation and the resultant fees are a direct result of the Coroner's litigation tactics, fighting tooth and nail and inventing arguments at every turn. As discussed above, the Coroner asserted multiple legal theories to support its assertion that the autopsy reports were categorically confidential, including HIPAA, provisions of Nevada law pertaining to Child Death Review teams, the Freedom of Information Act, 5 U.S.C. § 552, and legislation pertaining to next-of-kin notifications (and its attendant legislative history). As documented in its first fees motion and the instant Motion, the Review-Journal was required to expend extensive time researching and responding to each of the Coroner's legal assertions both at the district court and the Nevada Supreme Court. Further, on remand from the Nevada Supreme Court, the Review-Journal was required to dedicate substantial resources to meeting its burden of establishing that access to the autopsy reports would further multiple significant public interests. As a result of this diligent work, the Review-Journal was able to prevail against each of the Coroner's categorical assertions both before this Court and before the Nevada Supreme Court, and once again before this Court on remand.

1 Importantly, so much work in this case was necessitated by the Coroner’s litigation
2 tactics. As the Court observed at the December 10, 2020, hearing on the Coroner’s request
3 for a stay and the Review-Journal’s request for an order to show cause, the Coroner “sat on
4 6- to 700 or more autopsy reports since this matter first came in [] the year 2017.” (Trans. of
5 December 10, 2020, hearing, p. 7:21-22.) The Court further observed,
6 everything they’ve done, beginning with the original unsustainable
7 objections to produce any information and continuing through to today
8 demonstrates that the Coroner’s Office is bound and determined to
9 circumvent and avoid the clear letter and spirit of the Nevada Public
10 Records Act by stonewalling, obfuscating, and frivolously offering up
11 entirely trivial, generic, and categorical claims of privacy without making
12 even the slightest effort to particularize a nontrivial privacy interest.
13 (*Id.*, pp. 8:21-9:2.) The fees and costs incurred by the Review-Journal in this case were in no
14 small part attributable to the Coroner’s extensive, years-long effort to evade compliance with
15 the NPRA.

16 The Coroner also forced extensive litigation in its efforts to evade liability for the
17 Review-Journal’s attorney’s fees and costs. As a result, the Review-Journal was required to
18 expend significant time and money batting down the Coroner’s untenable legal arguments.
19 And the proof of that work is in the pudding: this Court and the Nevada Supreme Court
20 soundly rejected each of the Coroner’s arguments against its liability for fees and costs. The
21 Coroner’s argument that this four-year-long battle was “simple” or “routine” therefore lacks
22 any substance.

2. The Review-Journal is Entitled to Fees and Costs Incurred Prior to Filing Its Petition.

23 The Coroner’s argument that the Review-Journal is not entitled to fees and costs
24 incurred prior to petitioning this Court (Opp., p. 12:14-18) also fails. The Coroner previously
25 made this argument in response to the Review-Journal’s original November 29, 2017, Motion
26 for Attorney’s Fees and Costs. (*See* December 17, 2017, Opposition, p. 17:1-5.) This Court
27 has previously considered this argument, and rejected it when it entered its February 1, 2018,
28 Order granting the Review-Journal its entire fees and costs. The Court should do so again
here.

3. The Review-Journal's Rates Are Reasonable

The cases the Coroner cites as establishing the “reasonable” hourly rates—all of which are from the federal district court—are inapposite to the instant case for various legal and factual reasons. Some of the cases the Coroner relies on involved disputes in comparatively straightforward civil matters. For example, *Archway Ins. Servs., LLC v. Harris*, 2014 WL 384530 (D. Nev. 2014), one of the cases cited by the Coroner (Opp., p. 12:22-26), involved a dispute over the reasonable hourly rate in a case involving fraud and breach of contract claims that were dismissed by the district court as a result of plaintiffs’ motion for voluntary dismissal. Another case cited by the Coroner, *Conboy v. Wynn Las Vegas, LLC*, 2014 WL 4079483 (D. Nev. 2014), also involved a determination of the reasonable hourly rate in a federal torts action.

The Coroner’s reliance on *Banks v. Robinson*, No. 2:11-CV-00441-RLH, 2012 WL 993303 (D. Nev. Mar. 23, 2012) is also misplaced. In that case, the federal district court reduced the attorney’s rates in a matter pertaining to the failure to pay overtime not because the rates of the attorneys exceeding prevailing hourly rates, but because the two senior attorneys seeking fees “admit[ted] that their normal hourly rates are significantly less than the rates they currently propose and [a third attorney working on the matter] has relatively little experience as an attorney.” *Banks*, 2012 WL 993303, at *1. Here, counsel for the Review-Journal—in addition to individually having a good deal of experience in practice—have requested their normal hourly rates. (*See, e.g.*, February 2, 2021, Declaration of Margaret A. McLetchie (“McLetchie Decl.”), ¶ 8.)

Other cases cited by the Coroner also do not support its argument regarding the reasonableness of counsel’s rates in this matter. In *Gonzalez-Rodriguez v. Mariana’s Enterprises, et al.*, No. 2:15-cv-00152-JCM-PAL, 2016 WL 3869870 (D. Nev. July 14, 2016), an action pertaining to overtime wages brought under the federal Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, the federal district court rejected the attorneys’ proposed fees award because it exceeded the 25% benchmark typically set for “common fund” cases and also exceeded the 40% contingency fee agreement the attorneys had reached with the clients

1 in the matter. *Id.* at *7. While the court in that case did indicate the attorneys’ requested rates
2 exceeded the rates approved by the federal district court when it attempted to perform a
3 lodestar calculation, *id.* at *9, the court was actually unable to do the lodestar calculation
4 because “[d]ocumentation of counsel’s hourly rates [was] insufficient to allow a lodestar
5 cross-check.” *Id.* By contrast, the Review-Journal has provided extensive documentation of
6 the work performed by its counsel (*see* Exh. 1 and 2 to Mot.), prior awards granting its
7 counsel fees at the same and/or similar rates (Exhs. 3 and 4 to Mot.), a prior award to other
8 counsel in another public records case granting fees at similar rates (Exh. 5 to Mot.), and
9 documentation of private counsel retained by a governmental entity in yet another public
10 records matter in which counsel was compensated at higher hourly rates than any of the
11 attorneys working on this matter. (Exh. 6 to Mot.)

12 The other cases cited by the Coroner are also readily distinguishable. In *Cervantes*
13 *v. Emerald Cascade Rest. Syst., Inc.*, 2013 WL 3878692 (D. Nev. July 25, 2013)², the court
14 reduced counsel’s hourly rate from \$450 to \$275 in large part because of the character and
15 reputation of the attorney, who had previously been held in contempt for violating an
16 injunction in one federal court matter and had been the defendant in another federal court
17 matter in which a jury found the attorney liable for compensatory and punitive damages after
18 he absconded with client and third-party settlement trust funds. *Cervantes*, 2013 WL
19 3878692 at *6-7. In another case cited by the Coroner, *Am. Contractors Indem. Co. v.*
20 *Emerald Assets L.P.*, 2016 WL 4591767 (D. Nev. Sept. 2, 2016), the court approved the rates
21 that were requested, but also noted that higher rates in similar matters were also reasonable.
22 *Am. Contractors. Indem.*, 2016 WL 4591767 at *5 (citing cases). And in *Boliba v. Camping*
23 *World, Inc.*, 2015 WL 50899808 (D. Nev. Aug. 27, 2015), the district court approved the
24 requested hourly rates of \$250 for a partner and \$200 for an associate because that was the
25 amount counsel requested, but the court hastened to note that these rates were “on the low
26 end of the spectrum of reasonableness in this community.” *Boliba*, 2015 WL 5089808 at *3

27
28 ² (Opp., p. 13:19-21.)

1 (citing *Mayweather v. Wine Bistro*, 2014 WL 6882300, *10 (D. Nev. Dec.4, 2014)).

2 Indeed, in the *Mayweather* decision cited by the *Boliba* court, the court found that
3 the requested rates for between \$295.00 and \$675.00 per hour “are reasonable in Las Vegas.”
4 *Mayweather v. Wine Bistro*, No. 2:13-cv-210-JAD-VCF, 2014 WL 6882300, at *10 (D. Nev.
5 Dec. 4, 2014). Moreover, other cases referenced within the *Mayweather* decision also
6 approve of rates similar to those requested by counsel here. *See id.* (citing *Am. Gen. Life Ins.*
7 *Co. v. Futrell*, No. 2:11-cv-00977-PMP-CWH, 2012 WL 5497901, at *3 (D. Nev. Nov. 13,
8 2012) (finding hourly rates between \$250.00 and \$400.00 reasonable in Las Vegas)).

9 The Coroner also asserts that the requested rate for the Review-Journal’s paralegal
10 is unreasonable. (Opp., p. 14:11-14.) However, as established in the Review-Journal’s
11 Motion, this rate has been previously approved in other similar public records matters in this
12 district. (*See* Exh. 3 to Mot. (approving the rate of \$150.00/hour for work performed by Ms.
13 Burchfield in 2017 and 2018); *see also* Exh. 4 to Mot., p. 4:12 (approving the rate of
14 \$150.00/hour for work performed in 2017 and 2018).) Hence, this rate is reasonable for the
15 work performed in this matter.

16 **D. The Review-Journal is Entitled to Recover Administrative Fees.**

17 The Coroner asserts the Review-Journal is not entitled to compensation in the amount
18 of \$177.50 for administrative time associated with traveling to and from district court to drop
19 off and pick up filings and orders and preparing and updating binders for hearings in this
20 matter. (Opp., p. 11:5-22.) This position, however, is undermined by one of the very cases
21 the Coroner cites in its Opposition: *Missouri v. Jenkins by Agyei*, 491 U.S. 274 (1989) (Opp.,
22 p.11:11.) As the Court explained, “a ‘reasonable attorney’s fee’ cannot have been meant to
23 compensate only work performed personally by members of the bar. Rather, the term must
24 refer to a reasonable fee for the work product of an attorney. Thus, the fee must take into
25 account the work not only of attorneys, but also of secretaries, messengers, librarians,
26 janitors, and others whose labor contributes to the work product for which an attorney bills
27 her client; and it must also take account of other expenses and profit.” *Id.* at 285; *accord*
28 *Perez v. Cate*, 632 F.3d 553, 556 (9th Cir. 2011). Here, the administrative time the Coroner

1 complains of “contribute[d] to the work product” of the Review-Journal’s attorneys by
2 ensuring that filings which were required to be filed in person were timely delivered to the
3 Court, obtaining orders that needed to be filed with the Court, and assisting the attorneys in
4 preparing for and for use at hearings before the Court. Accordingly, this administrative time
5 is compensable, and the Coroner’s arguments to the contrary must be rejected.

6 **E. The Review-Journal is Entitled to Fees Incurred Opposing the**
7 **Coroner’s Motion for Stay of the Post-Remand Order.**

8 The Coroner notes that the Supreme Court’s order granting voluntary dismissal of
9 their writ petition, which the Review-Journal did not oppose, “expressly asked that each party
10 bear its own fees and costs.” (Opp., p. 5:9-12.) The Coroner then argues that, based on this
11 determination, the law of the case bars the Review-Journal from recovering the fees
12 expended in opposing said writ petition before the Supreme Court. (Opp., pp. 14:23 – 15:2.)

13 The Coroner points to *Breeden v. Eighth Jud. Dist. Ct.*, 131 Nev. 96,343 P.3d 1242
14 (2015) for the proposition that the Review-Journal’s “opportunity to assert that it is entitled
15 to its attorney fees and costs in relation to the Coroner’s appeal of the Order on Remand
16 would have been in any opposition to the Coroner’s motion to voluntarily dismiss the case
17 under NRAP 42.” (Opp., p. 15:12-15.) However, *Breeden* is distinguishable from this matter,
18 as recovery of the fees expended by the Review-Journal are not being sought pursuant to
19 NRAP 42. Rather, recovery of fees is being sought pursuant to Nev. Rev. Stat. § 239.011
20 which, as argued below, implicitly permitted recovery of appellate costs before it was
21 amended to explicitly do so in 2019. Thus, the Review-Journal is not precluded from an
22 award of fees and costs expended in the Coroner’s third appeal of this matter.

23 **F. The Review-Journal is Entitled to Fees Incurred on Appeal.**

24 Because this matter was initiated in 2017, the then-extant version of Nev. Rev. Stat.
25 § 239.011(2) applies to the Review-Journal’s request for fees. As previously noted, that
26 statute provides that a requester who prevails in a public records action “is entitled to recover
27 from the governmental entity that has legal custody or control of the record his or her costs
28 and reasonable attorney’s fees in the proceeding.” As noted by both the Review-Journal in

its Consolidated Amended Motion and the Coroner in its Opposition, the term “proceeding” is defined as “the regular and orderly progression of a lawsuit, including all acts and events between the time of commencement and the entry of judgment.” (Mot., p. 10:2-4; Opp., p. 19:17.) And as the Nevada Supreme Court has held, “[t]he word proceeding is generally applicable to any step taken by a suitor to obtain the interposition or action of a court. The term proceeding is generally applicable to any step taken by a party in the progress of a civil action. Anything done from the commencement to the termination is a proceeding.” *Martin v. Duncan Auto. Co.*, 53 Nev. 212, 296 P. 24, 25 (1931) (quotation omitted). Thus, by its plain language, the pre-2019 version of Nev. Rev. Stat. § 239.011(2) contemplated that a requester who prevails is entitled to recover fees incurred at every stage of a public records matter, including on appeal. Moreover, this interpretation of the plain language of Nev. Rev. Stat. § 239.011(2) is consistent with the mandate to interpret the provision of the NPRA broadly. Nev. Rev. Stat. § 239.001(2). And, despite the Coroner’s protestations to the contrary, the legislative history of Nev. Rev. Stat. § 239.011(2) does not dictate a contrary conclusion.

In opposing the Review-Journal’s request for appellate fees, the Coroner argues that because the version of Nev. Rev. Stat. § 239.011 in effect when this action started was silent regarding the availability of fees incurred on appeal, such fees are unavailable to the Review-Journal. (Opp., pp. 16:21-17:20.) While the Supreme Court did hold in *Bobby Berosini, Ltd. v. People for the Ethical Treatment of Animals*, 114 Nev. 1348, 971 P.2d 383 (1998), that such statutory “silence” precluded the award of fees incurred on appeal under Nev. Rev. Stat. § 18.010, a decade later the Supreme Court held exactly the opposite with regard to the fee-shifting provisions of Nev. R. Civ. P. 68: because “nothing in the language of NRCP 68 ... suggests that [its] fee-shifting provisions cease operation when the case leaves trial court ... the fee-shifting provisions in NRCP 68 ... extend to fees incurred on and after appeal.” *In re Estate & Living Tr. of Miller*, 125 Nev. 550, 555, 216 P.3d 239, 243

(2009). The Supreme Court has acknowledged the conflict between these cases.³

The Coroner further argues that the 2019 amendment to Nev. Rev. Stat. § 239.011, which explicitly provides for fees on appeals, implies that such a right to fees on appeal did not exist beforehand. (Opp., p. 20:1-11.) Allowing the Review-Journal to recover fees incurred on appeal would not render the 2019 amendment “meaningless,” as the Coroner asserts (*id.*, p. 20:12-13) because the amendment clarifies that a right to such fees exists, not that such a right never existed. “Statutory amendments that clarify the intent of a previous statute generally apply retroactively.” *Segovia v. Eighth Judicial Dist. Court in & for Cty. of Clark*, 133 Nev. 910, 915, 407 P.3d 783, 787 (2017) (citing *Fernandez v. Fernandez*, 126 Nev. 28, 35 n.6, 222 P.3d 1031, 1035 n.6 (2010)).

Furthermore, interpreting the 2017 version of Nev. Rev. Stat. § 239.011 to authorize a prevailing requester to recover fees expended on appeal fully comports with the NPRA’s explicit mandate that its provisions “be construed liberally” to further the important purpose of providing public records to the public. Nev. Rev. Stat. § 239.001(2). A “liberal construction” of the 2017 version of Nev. Rev. Stat. § 239.011 demands that such fees be compensable, because it did not forbid such fee-shifting on appeal. Giving intransigent governmental agencies a “free shot” at appealing adverse rulings would incentivize them to abuse the appellate process to stifle records requests. Although the Legislature saw fit to make fee-shifting on appeal explicit in 2019, that does not mean such relief was not available beforehand. Thus, the Review-Journal is entitled to the fees incurred on appeal.

///

///

///

³ See *Tulelake Horseradish, Inc. v. Santa Margarita Ranch, LLC*, 132 Nev. 1038, 2016 WL 3433040, *1, n.1 (2016) (“To the extent that the rationale in *Datecs* and *Bobby Berosini* is at odds with the rationale in *In re Estate and Living Trust of Miller*, 125 Nev. 550, 555, 216 P.3d 239, 243 (2009), and *Musso v. Binick*, 104 Nev. 613, 614–15, 764 P.2d 477, 477 (1988), we need not harmonize those cases in this appeal, as appellant has not cogently argued the issue.”)

G. The Review-Journal Is Entitled to Its Costs.

1. The Review-Journal Did Not “Waive” Its Rights to Costs.

The Coroner next attempts to attack the Review-Journal’s request for \$3,581.41 in costs as untimely. (Opp., pp. 22:19-23:16.) As reflected in the record of this matter, the Review-Journal filed a Memorandum of Costs related to the instant request for fees and costs on December 11, 2020, and an Amended Memorandum of Costs on February 2, 2021. According to the Coroner, both Memoranda were late because it believes Nev. Rev. Stat. § 18.110 required the Review-Journal to file a Memorandum of Costs within five days of the Court’s entry of the November 20, 2020, Order on Remand. (*Id.*, p. 23:11-13.) This argument necessarily fails, however, because the NPRA provides a specific basis for the Review-Journal to recover fees and costs that is separate from the general provisions regarding recoupment of fees and costs in Chapter 18 of the Nevada Revised Statutes.

“[I]t is an accepted rule of statutory construction that a provision which specifically applies to a given situation will take precedence over one that applies only generally.” *Nevada Power Co. v. Haggerty*, 115 Nev. 353, 364, 989 P.2d 870, 877 (1999) (quoting *Sierra Life Ins. Co. v. Rottman*, 95 Nev. 654, 656, 601 P.2d 56, 57–58 (1979)); accord *In re Resorts at Summerlin Litig.*, 122 Nev. 177, 185, 127 P.3d 1076, 1081 (2006) (holding that the costs provision in the 2001 version of Nev. Rev. Stat. § 108.239(6) controlled over the general costs provisions of Chapter 18 of the Nevada Revised Statutes). As the Nevada Supreme Court discussed in *In re Resorts at Summerlin Litig.*, the costs provisions in Chapter 18 are “general costs provisions.” *In re Resorts at Summerlin Litig.*, 122 Nev. at 185, 127 P.3d at 1081. By contrast, Nev. Rev. Stat. § 239.011(2) is a specific provision in the NPRA which, as discussed above, provides that a prevailing requester is entitled to his or her costs and reasonable attorney’s fees. Unlike the general costs provisions in Chapter 18, Nev. Rev. Stat. § 239.011(2) does not require even *require* prevailing requesters to submit a memorandum of costs. Notwithstanding the absence of any requirement to do so, Review-Journal chose to submit a Memorandum of Costs in order to provide the Court with documentation of the costs it incurred. Thus, the Coroner’s argument that the Review-Journal has somehow

1 “waived” its statutory entitlement to costs is misplaced.

2 Should the Court find that Nev. Rev. Stat. § 18.110 established the deadline for
3 submission of the Memoranda of Costs, this Court may nevertheless consider it. The Nevada
4 Supreme Court has held that the five-day time limit established for filing a memorandum for
5 costs is not jurisdictional because the statute specifically allows for “such further time as the
6 court or judge may grant” to file the costs memorandum. *See, e.g., Eberle v. State ex rel. Nell*
7 *J. Redfield Trust*, 108 Nev. 587, 590, 836 P.2d 67, 69 (1992). Thus, this court has discretion
8 to consider the Memoranda, notwithstanding the fact that they were submitted after the five-
9 day time limit set by Nev. Rev. Stat. § 18.110(1).

10 Moreover, even if Nev. Rev. Stat. § 18.110 did require submission of a
11 memorandum of costs within five days of the entry of the November 20, 2020, Order, the
12 Coroner’s argument that the Review-Journal has “waived” its right to seek costs is misplaced
13 because, as the Nevada Supreme Court has repeatedly explained, “waiver” “requires the
14 intentional relinquishment of a known right.” *Nevada Yellow Cab Corp. v. Eighth Judicial*
15 *Dist. Court ex rel. Cty. of Clark*, 123 Nev. 44, 49, 152 P.3d 737, 740 (2007) (citing *Mahban*
16 *v. MGM Grand Hotels*, 100 Nev. 593, 596, 691 P.2d 421, 423 (1984)); *see also Merrill v.*
17 *DeMott*, 113 Nev. 1390, 1400, 951 P.2d 1040, 1046 (1997) (stating same). If intent is inferred
18 from conduct, “the conduct must clearly indicate the party’s intention” to waive a known
19 right. *Yellow Cab Corp.*, 123 Nev. at 49, 152 P.3d at 740 (citing *Merrill v. DeMott*, 113 Nev.
20 1390, 1400, 951 P.2d 1040, 1046 (1997)). Here, the Review-Journal submitted two separate
21 Memoranda on two separate occasions seeking compensation for its incurred costs. This
22 conduct does not indicate that the Review-Journal had any intention of waiving its statutory
23 entitlement to costs.

24 **2. The Review-Journal’s Costs are Reasonable and Well-Documented.**

25 The Coroner next argues that, even if the Court were to consider the Review-
26 Journal’s Memoranda of Costs, it must nevertheless decline to award the requested costs
27 because they are allegedly not reasonable. (Opp., pp. 23:17-24:4.) The only costs which the
28 Coroner takes issue with in any detail are the costs the Review-Journal incurred for copies.

According to the Coroner, the Review-Journal “provides no reason why copying charges were incurred.” (Opp., p. 23:27.) The Coroner’s assertion, however, overlooks the fact that the declaration appended to the Review-Journal’s Amended Memorandum provides the basis for the copying costs: editing, proofreading, and preparation for oral argument. (February 2, 2021, McLetchie Decl., ¶ 5.) Indeed, the Amended Memorandum of Costs provides a specific basis for each category of costs incurred by the Review-Journal in this matter. (*See generally id.*, ¶¶ 5-9.) Hence, the Review-Journal has sufficiently documented the costs it incurred in this matter and is entitled to full compensation.

V. CONCLUSION

The Review-Journal indisputably prevailed in this matter. In addition to achieving the most significant goal in this litigation—access to autopsy reports—the Review-Journal successfully defeated the Coroner’s categorical claims of confidentiality and defeated the Coroner’s argument that its supposed good faith in refusing to produce the autopsy reports immunized it from an award of fees and costs. Because it is the prevailing party in this matter, the Review-Journal is entitled to full compensation of its reasonable attorney’s fees and costs. Accordingly, the Review-Journal respectfully requests that this Court award the Review-Journal \$281,961.48, pursuant to Nev. Rev. Stat. § 239.011(2), for the reasonable costs and attorney’s fees it has incurred in this matter through February 2, 2021.

DATED this 23rd day of February, 2021.

/s/ Alina M. Shell

MARGARET A. MCLETCHE, Nevada Bar No. 10931

ALINA M. SHELL, Nevada Bar No. 11711

MCLETCHE LAW

701 E. Bridger Avenue, Suite 520

Las Vegas, NV 89101

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

Email: maggie@nvlitigation.com

Attorneys for Petitioner Las Vegas Review-Journal

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of February, 2021, pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, I did cause a true copy of the foregoing REPLY IN SUPPORT OF AMENDED MOTION FOR ATTORNEY’S FEES AND COSTS in *Las Vegas Review-Journal v. Clark County Office of the Coroner/Medical Examiner*, Eight 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

INDEX OF EXHIBITS	
Exhibit	Description
7	December 31, 2020 Letter Receipt of Flashdrive
8	December 30, 2020 Email
9	December 31, 2020 Follow-up Email
10	December 31, 2020 Response Email

EXHIBIT 7



CLARK COUNTY
OFFICE OF THE DISTRICT ATTORNEY

Civil Division

STEVEN B. WOLFSON
District Attorney

500 S. Grand Central Pkwy, Suite 5075 • Las Vegas, NV 89155 • 702-455-4761 • Fax: 702-382-5178 • TTY and/or other relay services: 711

MARY-ANNE MILLER
County Counsel

CHRISTOPHER LALLI
Assistant District Attorney

ROBERT DASKAS
Assistant District Attorney

BRIGID J. DUFFY
Director DA Juvenile

VACANT
*Director DA Family
Support*

December 31, 2020

Margaret A. McLetchie
McLetchie Law
701 E. Bridger Avenue, Suite 520
Las Vegas, NV 89101

Re: Las Vegas Review-Journal v. Clark County Office of the Coroner/Medical
Examiner
Case No. A-17-758501

Dear Ms. McLetchie:

Enclosed is a thumb drive containing the unredacted autopsy reports pursuant to the court order in the above stated case. Further, the Coroner will be filing a motion for voluntary dismissal of the appeal.

Sincerely,

STEVEN B. WOLFSON
DISTRICT ATTORNEY

BY:

LAURA C. REHFELDT

Deputy District Attorney

Laura.Rehfeldt@ClarkCountyDA.com

LR:cw
Enclosures

JA1195

**Laura Rehfeldt
CC Deputy DA
6th Floor, Gov't Center**



RECEIVED

DEC 31 2020

BY: In-person



STEVEN B. WOLFSON, District Attorney
Office of the District Attorney
500 GRAND CENTRAL PKY
PO BOX 552215
LAS VEGAS, NV 89155-2215

Margaret A. Mcletchie
Mcletchie Law
701 E. Bridger Avenue, Suite 520
Las Vegas, NV 89101

EXHIBIT 8

From: [Maggie](#)
To: [Laura Rehfeldt](#); [Jackie V. Nichols](#)
Cc: [Alina](#); [Pharan](#); [Lacey](#)
Subject: LVRJ v Coroner
Date: Wednesday, December 30, 2020 6:08:57 PM
Attachments: [image001.png](#)
Importance: High

As you are aware, today is the deadline to get us the records. As you are likely also aware, the Nevada Supreme Court denied the petition for rehearing. Thus, there is no basis to withhold the records. Moreover, the filing of the petition never excused your obligations to provide the records. Please get back to me immediately so we can make arrangements and you can avoid further disobedience of the binding court order. Thank you in advance.

Maggie McLetchie



701 E. Bridger Ave., Suite 520, Las Vegas, NV 89101

(702)728-5300 (T) / (702)425-8220 (F)

www.nvlitigation.com

IMPORTANT NOTICE: Privileged and/or confidential information, including attorney-client communication and/or attorney work product may be contained in this message. This message is intended only for the individual or individuals to whom it is directed. If you are not an intended recipient of this message (or responsible for delivery of this message to such person), any dissemination, distribution or copying of this communication is strictly prohibited and may be a crime. No confidentiality or privilege is waived or lost by any misdirection of this message. If you received this message in error, please immediately delete it and all copies of it from your system, destroy any hard copies of it and notify the sender by return e-mail.

EXHIBIT 9

From: [Maggie](#)
To: [Laura Rehfeldt](#); [Jackie V. Nichols](#)
Cc: [Alina](#); [Pharan](#); [Lacey](#)
Subject: Re: LVRJ v Coroner
Date: Thursday, December 31, 2020 8:21:02 AM

Jackie and Laura - I would appreciate a response to my inquiry. I understand you want a different result but your efforts to get a stay have now been denied three times. Meanwhile, you have violated the order. Neither of you is above the law and neither is the Coroner. I expect the records immediately. Again, let us know if you want us to pick them up.

On Dec 30, 2020, at 6:09 PM, Maggie <maggie@nvlitigation.com> wrote:

As you are aware, today is the deadline to get us the records. As you are likely also aware, the Nevada Supreme Court denied the petition for rehearing. Thus, there is no basis to withhold the records. Moreover, the filing of the petition never excused your obligations to provide the records. Please get back to me immediately so we can make arrangements and you can avoid further disobedience of the binding court order. Thank you in advance.

Maggie McLetchie
<image001.png>

701 E. Bridger Ave., Suite 520, Las Vegas, NV 89101
(702)728-5300 (T) / (702)425-8220 (F)
www.nvlitigation.com

IMPORTANT NOTICE: Privileged and/or confidential information, including attorney-client communication and/or attorney work product may be contained in this message. This message is intended only for the individual or individuals to whom it is directed. If you are not an intended recipient of this message (or responsible for delivery of this message to such person), any dissemination, distribution or copying of this communication is strictly prohibited and may be a crime. No confidentiality or privilege is waived or lost by any misdirection of this message. If you received this message in error, please immediately delete it and all copies of it from your system, destroy any hard copies of it and notify the sender by return e-mail.

EXHIBIT 10

From: [Jackie V. Nichols](#)
To: [Maggie](#); [Laura Rehfeldt](#)
Cc: [Alina](#); [Pharan](#); [Lacey](#); "15090_001 Clark County Las Vegas Review Journal adv 4 E Mails EMAIL 15090_001"
Subject: RE: LVRJ v Coroner [IWOV-iManage.FID1037193]
Date: Thursday, December 31, 2020 9:23:05 AM
Attachments: [image003.png](#)

Maggie,

The records will be hand delivered to your office this morning.



Jacqueline V. Nichols, Esq.

10001 Park Run Drive
Las Vegas, NV 89145

t | 702.207.6091

f | 702.382.5816

jnichols@maclaw.com

maclaw.com



Please consider the environment before printing this e-mail!

DO NOT read, copy or disseminate this communication unless you are the intended addressee. This e-mail communication contains confidential and/or privileged information intended only for the addressee. If you have received this communication in error, please call us (collect) immediately at (702) 382-0711 and ask to speak to the sender of the communication. Also please e-mail the sender and notify the sender immediately that you have received the communication in error. Thank you. Marquis Aurbach Coffing - Attorneys at Law

From: Maggie <maggie@nvlitigation.com>
Sent: Wednesday, December 30, 2020 6:09 PM
To: Laura Rehfeldt <Laura.Rehfeldt@clarkcountyda.com>; Jackie V. Nichols <jnichols@maclaw.com>
Cc: Alina <Alina@nvlitigation.com>; Pharan <pharan@nvlitigation.com>; Lacey <lacey@NVLITIGATION.COM>
Subject: [External] LVRJ v Coroner
Importance: High

As you are aware, today is the deadline to get us the records. As you are likely also aware, the Nevada Supreme Court denied the petition for rehearing. Thus, there is no basis to withhold the records. Moreover, the filing of the petition never excused your obligations to provide the records. Please get back to me immediately so we can make arrangements and you can avoid further disobedience of the binding court order. Thank you in advance.

Maggie McLetchie



701 E. Bridger Ave., Suite 520, Las Vegas, NV 89101
(702)728-5300 (T) / (702)425-8220 (F)
www.nvlitigation.com

IMPORTANT NOTICE: Privileged and/or confidential information, including attorney-client communication and/or attorney work product may be contained in this message. This message is intended only for the individual or individuals to whom it is directed. If you are not an intended recipient of this message (or responsible for delivery of this message to such person), any dissemination, distribution or copying of this communication is strictly prohibited and may be a crime. No confidentiality or privilege is waived or lost by any misdirection of this message. If you received this message in error, please immediately delete it and all copies of it from your system, destroy any hard copies of it and notify the sender by return e-mail.

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

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

March 02, 2021 09:00 AM All Pending Motions

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

COURT CLERK: Tapia, Michaela

RECORDER: Delgado-Murphy, Melissa

REPORTER:

PARTIES PRESENT:

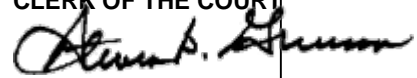
Alina Shell Attorney for Plaintiff

Margaret A. McLetchie Attorney for Plaintiff

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.



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS REVIEW-JOURNAL,

Plaintiff(s),

vs.

CLARK COUNTY OFFICE OF THE
CORONER / MEDICAL
EXAMINER,

Defendant(s).

Case No. A-17-758501-W

DEPT. XXIX

BEFORE THE HONORABLE DAVID M. JONES,
DISTRICT COURT JUDGE

TUESDAY, MARCH 2, 2021

TRANSCRIPT OF PROCEEDINGS RE:
PLAINTIFF'S AMENDED MOTION FOR ATTORNEYS' FEES AND
COSTS
(Via Audio Via BlueJeans)

APPEARANCES:

For the Plaintiff(s):

MARGARET A. McLETCHE, ESQ.
ALINA SHELL, ESQ.
BENJAMIN LIPMAN, ESQ.

For the Defendant(s):

JACQUELINE NICHOLS, ESQ.

RECORDED BY: MELISSA MURPHY-DELGADO, COURT RECORDER

1 **LAS VEGAS, NEVADA, TUESDAY, MARCH 2, 2021**

2 [Proceeding commenced at 9:12 a.m.]

3
4 THE COURT: Page 1, A-17-758501, the Las Vegas
5 *Review-Journal* versus Clark County.

6 MS. McLETCHE: Good morning, Your Honor. Maggie
7 McLetchie for the Las Vegas *Review-Journal*, Inc. Also on the
8 phone I have with me my co-counsel, Alina Shell, and Mr. Ben
9 Lipman, in-house counsel at the Las Vegas *Review-Journal*.

10 MS. NICHOLS: Good morning, Your Honor. Jackie
11 Nichols on behalf of the Clark County Coroner.

12 THE COURT: Thank you, counsels.

13 This is the continued motion on the Motion for Attorney
14 Fees and Costs.

15 Go ahead, counsel.

16 MS. McLETCHE: Thank you, Your Honor.

17 Your Honor, the NPRA mandates that District Courts
18 award a prevailing requester in NPRA actions their reasonable fees
19 and costs. It makes clear that if the requester prevails, the
20 requester is entitled to recover costs and attorneys' fees,
21 reasonable attorneys' fees, in the proceeding from the
22 governmental entity whose officer has custody of the book or
23 record. That's the version that was -- that governs this case, Your
24 Honor.

25 THE COURT: So define for me in the proceeding,

1 counsel.

2 MS. McLETCHE: Your Honor, in our view, it's that in the
3 proceeding means exactly what it says, and that's the entire
4 proceeding, including appeal. If it didn't include appeal, Your
5 Honor, it would, essentially, render a victory in an NPRA case
6 meaningless, unless you have the funds to pay an attorney to
7 continue fighting hard battles on appeal.

8 And it's my view that proceeding has always meant
9 what it means on its face. Any ambiguity needs to be resolved in
10 favor of access, because of the legislative mandates of the NPRA,
11 which require that all its provisions, including the fees and costs
12 provisions, be interpreted in favor of access, Your Honor.

13 And so the proceeding means the proceeding. That
14 necessarily included appeal. We had to go up on appeal on
15 multiple issues and not once, but twice, in order to ensure that we
16 got access to the records.

17 With regard to the prevailing party standard, Your
18 Honor, the coroner's office tries to, essentially, argue that we
19 needed to prevail on every single thing. The Nevada Supreme
20 Court made clear in *Black Jack Bonding* that we just need to prevail
21 on a significant issue. There -- the District Court -- the Supreme
22 Court found that the District Court had erred when it denied fees
23 where the District Court ordered, essentially, access to all the
24 records at issue, which is exactly what we have here. The District
25 Court ordered access to all the records at issue.

1 Moreover, relevant, I think, to the analysis of the *Brunzell*
2 factors and the application to the amount of the fees, we actually
3 prevailed on three significant issues. In addition to the first issue,
4 access to the records at issue in this case, we established that the
5 public interest and access to these juvenile autopsy reports
6 outweigh privacy interest; we established that information
7 contained in autopsy reports is not categorically exempt from the
8 NPRA, which is important not just in this case, but in other
9 proceedings.

10 Moreover, we established on appeal that a requester
11 need not establish bad faith to get fees. Similarly as they do now,
12 the coroner's office tried to convince the Supreme Court that a
13 narrow reading of the fees provision was appropriate and that
14 requesters had to establish bad faith. The Supreme Court rejected
15 that argument. We prevailed on the legal issues in that -- in this
16 case.

17 With regard to the idea that somehow a reduced rate is
18 appropriate in this case, not only have we submitted declarations
19 supporting our rates, other court orders supporting our rates, but
20 when you look at the *Brunzell* factors in light of those three very
21 important issues that we prevailed on in this case, if you look at the
22 qualities of the advocates, we've detailed our experience.

23 Moreover, second, you look at the character of the work
24 to be done. In the language of the *Brunzell* case, you also look at
25 not just the difficulty and the intricacy, but also the responsibility

1 imposed and the prominent and character of the parties where they
2 affect the importance of the litigation. This was very important
3 litigation for the Las Vegas *Review-Journal* and other requesters.

4 The work actually performed, we detailed that work and
5 the result of that work. Most importantly, obviously, after four
6 years of a hard, hard fight, we got access to the records.

7 Under *Brunzell* and this -- which does apply, that
8 analysis does apply to a consideration of fees under the specific
9 statute that provides for fees in NPRA cases. The Court first,
10 obviously, looks to the lodestar amount, which we have detailed. I
11 will note for the Court, and I'll submit an amended declaration in
12 detail that while we made an unintentional error, and we did, I will
13 note that when -- in preparing this morning, I did notice that
14 about \$2,075 worth of fees that were included in our 2017 fee
15 application, we accidentally again included in our further detail, I'll
16 provide the -- an amended declaration and amended fee detail
17 removing those amounts. Because I do always want to be very
18 accurate in the time detail I provide.

19 But the lodestar, Your Honor, is just the starting amount.
20 When, as the Supreme Court has made clear, that when you prevail
21 in a public records case, if the -- if a party -- as it said in the coroner
22 case:

23 If the LVRJ is the prevailing requester, it has met the sole
24 legal requirement, which qualifies it or makes it entitled to
25 reasonable attorneys' fees and costs.

1 The lodestar amount is just the beginning presumptive
2 amount. We have provided all that detail supporting how
3 appropriate it is. Frankly, I think in this case, we need to arguably
4 be subject to an upward adjustment. And while the coroner claims
5 that they prevailed at almost every turn, that's, obviously, not the
6 case. And while they characterize their work as prevailing at every
7 turn, the -- Judge Crockett properly explained that instead, at every
8 turn, they improperly stonewalled, obfuscated, and frivolously
9 offered up reasons against access.

10 And so when you look at all those factors, we are
11 entitled to our reasonable fees and costs in the proceeding.

12 Further, I think what I just pointed out to the Court about
13 the idea that the *Brunzell* analysis and the lodestar analysis, it's a
14 starting place for what a reasonable fee is. I think that's also
15 relevant to whether we get our fees on appeal.

16 The District Court has discretion. It has to award us
17 attorneys' fees, it has to award us reasonable fees and costs. I
18 don't think there's a legitimate dispute that we're not the prevailing
19 party, but the Court has discretion to determine what is the
20 appropriate amount in a case like this? And I think that the
21 appropriate amount in a case like this is the full fees and costs in
22 the proceeding, and I think the appellate work is relevant to that.

23 With regard --

24 THE COURT: Thank you, counsel. Counsel, I don't want
25 to -- I've heard --

1 MS. McLETCHE: Sure.

2 THE COURT: I mean, I went to the brief on the -- my
3 biggest issue, the one that I have the most important question
4 about and the one that I think is the prominent thing, I don't have
5 an issue with the fact that the *Review-Journal* is the prevailing
6 party. I agree 100 percent that they're the prevailing party.

7 My biggest issue is in the definition that was set forth in
8 the proceeding. And the reason I bring that up is for those of us
9 who practice in front of the Supreme Court a lot, they always refer
10 to the appeal as a separate proceeding. This is a separate
11 proceeding. This is not part of the underlying proceeding.

12 It was common that that was the verbiage utilized by the
13 Nevada Supreme Court on the appellate level long before, of
14 course, we had the appeals division. But it was always they were a
15 separate proceeding.

16 How do I get around that definition other than what
17 you've already told me?

18 MS. McLETCHE: If the Court would like, I would be
19 more than happy to submit further briefing on the definition of
20 proceeding. But I think --

21 THE COURT: No. I wanted that done, I want the
22 proceeding -- that's what the briefing was done for, is that's my
23 argument --

24 MS. McLETCHE: Understood.

25 THE COURT: -- is what is the proceeding and does this

1 apply.

2 MS. McLETCHIE: I think the proceeding -- you have to
3 look at what the proceeding is in this case, Your Honor. You need
4 to look at the context of this statute. This is an attorney fee
5 provision embedded within the Public Records Act, and what the
6 Nevada Supreme Court has said, for example, in the *McKay v.*
7 *Board of Supervisors* case, which is a case interpreting the Open
8 Meeting Law, is that a statute has to be given its plain meaning,
9 unless it violates the spirit of its act.

10 Likewise, right in the beginning of the NPRA, Your
11 Honor, the Nevada legislature saw fit to include provisions that
12 explain how all of its provisions should be interpreted. And that is,
13 Your Honor, liberally, to further the underlying principles -- the
14 underlying democratic principles and access.

15 If you had a case where a party's entitled to its
16 reasonable fees and costs in the proceeding, but then they don't get
17 fees and costs on appeal, that would incentivize government
18 entities to file appeals to delay, delay, delay, and would put
19 requesters in the untenable position of having to determine
20 whether to go forward in a case.

21 Not every -- the public records request, Your Honor, is
22 designed for everybody. Not everybody has the same resources.
23 The *Review-Journal* doesn't fight every public records fight that
24 comes across its plate, and not every requester has the same
25 resources.

1 And if you interpreted proceeding in the context of the
2 Public Records Act to be narrow and only include the District Court
3 proceedings, Your Honor, that would violate the spirit of this act,
4 the sister act of the Open Meeting Law of the Public Records Act.

5 So consistent with the Nevada Supreme Court's
6 guidance in the *McKay* case, this provision has to be interpreted
7 consistent with both its language and the purposes of the act. The
8 fact that in 2019, and in response, frankly, to the kinds of arguments
9 that the coroner is making now, that the legislature went back and
10 clarified that fees on appeal does not change the prior meaning of
11 the statute. The statute was designed, Your Honor, to make
12 requesters hold, to incentivize them to litigate cases to make them
13 whole when they prevail, and to deter governmental entities from
14 fighting righteous cases like this one.

15 THE COURT: Understand, counsel.

16 Counsel, what do I do in a case in which a matter goes
17 up in front of the Nevada Supreme Court, and let's just say for a
18 really simplistic sports analogy, the *Review-Journal* wins three, and
19 the public entity wins three, what does the Court do then? Look
20 and see which of the three is more important to the Court or more
21 important to the public?

22 MS. McLETCHE: So to determine -- there's two
23 different -- there's -- that's a different question, Your Honor. That's
24 the question about whether somebody's the prevailing party.

25 THE COURT: I understand. That's why I wanted to -- I

1 want to see, because the -- as you say, the language is liberal. The
2 question is: Is it so liberal that, for example, if you win a -- as you
3 would say it in the courts, or the law says it -- a substantial victory,
4 so to speak, let's say you win one and lose 3,000; are you still the
5 prevailing party?

6 MS. McLETCHE: Your Honor, I believe that the
7 requester is still the prevailing party. --

8 THE COURT: Then the party who won 3,000 of the 3,001
9 has to pay the fees that they paid their attorneys to get them to that
10 point where they win 3,000 of the 3,001 battles and they all now
11 shouldn't have to pay the opposing side, even though they
12 technically won 99.9 percent of all the fight; is that to the public
13 interest? That's the best interest? That's what we want the public
14 to find out, that that's what we're doing here? Is that what --

15 MS. McLETCHE: The public --

16 THE COURT: -- prevailing party only has to win 1
17 percent or 1/10th of 1 percent?

18 MS. McLETCHE: Your Honor, what the Supreme Court
19 has told us what the public interest is at stake in the Public Records
20 Act, and so it's not for the Court to determine what is the
21 appropriate -- what are the appropriate countervailing policy
22 concerns here? The Supreme Court has said that the public -- that
23 access to public records furthers democracy that every provision of
24 this Act has to be interpreted in further of access.

25 The Nevada legislature has already determined how the

1 Public Records Act should be interpreted. Consistent with that,
2 Your Honor, the Nevada Supreme Court, in *Black Jack Bonding*, has
3 already said that if you prevail on any significant issue, which
4 achieves some of the benefit it sought in bringing suit, that's the
5 language in *Black Jack Bonding*, that you have been the prevailing
6 party. So as the Court said earlier, there's no dispute that we're the
7 prevailing party.

8 The second question is what fees and costs are
9 reasonable? That goes to the Court's discretion. You start with a
10 lodestar amount --

11 THE COURT: Yeah, I don't --

12 MS. McLETCHIE: -- our fees --

13 THE COURT: That I've got, counsel. That I'm not
14 worried about. I'm worried about the other two topics.

15 Let me hear from the other side.

16 MS. NICHOLS: Thank you, Your Honor. Again, Jackie
17 Nichols on behalf of the coroner.

18 As to the first issue, Your Honor, for in the proceeding,
19 the NRS 239.011 specifically allows the requester to seek a court
20 order and obtain its fees and costs, its reasonable fees and costs in
21 relation to obtaining that court order. That is the language of
22 NRS 239.011.

23 The term in the proceeding is very specific. And it's
24 narrow. The *Review-Journal* cites to I believe it's *In re: Miller*
25 *Estate*, which deals with interpreting NRCP 68, the Offer of

1 Judgment Rule. There, the Supreme Court said that the prevailing
2 party was entitled to its appellate fees and costs because of the
3 term judgment. Judgment means a final judgment, which includes
4 an appellate court's reversal.

5 In the proceeding is much narrower than judgment. And
6 that's also reflected by the Court's interpretation of
7 NRS 18.01 -- 010, which also addresses the Prevailing Party
8 Standard, which is applied in the NPRA actions. And there, the
9 Supreme Court has said NRS 18 does not address appellate fees
10 and costs, and therefore, a prevailing party is not entitled to obtain
11 its appellate fees and costs.

12 Now, even if this Court determines that in the
13 proceeding is ambiguous, the Court should look to the subsequent
14 legislative amendment. And in 2019, what the amendments did
15 was include a specific provision allowing the requester to recover
16 its appeals fees and costs. It's entirely separate and apart from the
17 language in the proceeding.

18 So if this Court were to follow the *Review-Journal's*
19 reasoning, it would render that 2019 amendment completely
20 superfluous and meaningless, because if in the proceeding works
21 include appellate fees and costs, then there would be no point in
22 the additional provision that the legislature included in the 2019
23 amendment.

24 THE COURT: Counsel, wouldn't that be the legislature,
25 basically, saying, Look, we want to clear up ambiguity that was put

1 in that statute, and this is what we intended from the very
2 beginning. Doesn't that show us what the intent should have been
3 and what the legislature really wanted from day one?

4 MS. NICHOLS: No, Your Honor. Because what that does
5 is, again, it doesn't clarify in the proceeding. Because the language
6 of the amendment specifically allows a party to recover appellate
7 fees and costs. If the legislature meant that in the proceeding we're
8 to include appellate fees and costs, there would be no separate
9 provision specifically addressing appellate fees and costs. It would
10 render it entirely meaningless. There would be no point to the
11 amendment, if in the proceeding meant appellate fees and costs.

12 THE COURT: Counsel, trust me, it wouldn't be the only
13 time that the legislature has done something that, basically, was
14 meaningless.

15 MS. NICHOLS: I completely agree, Your Honor.

16 But based off of the amendment, that is how the Court
17 should interpret NRS 239.011.

18 THE COURT: And that was my biggest concern and
19 that's the biggest issue I have, is what 239.011 meant at the time,
20 and the amendment, all that does for me is, basically, give me an
21 understanding that someone in the legislature thought this was a
22 problem. Clearly it is, I've got two opposing views on this.

23 Let me hear a reply quickly.

24 MS. McLETCHIE: I'll be brief, Your Honor.

25 So I think the Court was right when it pointed out that

1 the legislature in 2019 was just seeking clarity with regard to prior
2 issues. Frankly, if you look at the -- all of SB287, it was to cut off
3 these kinds of legal issues from continuing to have to be litigated.
4 They just clarified that appellate fees were to be awarded.

5 And again, Your Honor, I keep going back to this, but
6 this is not some miscellaneous attorney fee statute. The coroner's
7 office argues that it has to be interpreted narrowly. This Court does
8 have to interpret it broadly and consistent with the mandates. The
9 legislature has said, look, the -- all of these provisions have to be
10 interpreted in favor of access. It would render a victory under the
11 NPRA meaningless if the government, with unlimited resources,
12 taxpayer dollars to pay its attorneys, could just file appeals and
13 hope that the requester couldn't afford to keep litigating.

14 For example, in this case --

15 THE COURT: Counsel, I understand that argument. But
16 it works both ways. For the *R-J* to even fight this fight, they have to
17 somewhere have -- someone has to say for them it's a legitimate
18 expense to pay the counsel to fight this.

19 If you're telling me that it costs your side \$210,000, I'm
20 sure the other side is going to say it cost them probably less,
21 because they want to say it's a less reasonable fee. But at least it
22 cost them amount of money to fight this matter. If they thought
23 that they were going to lose on the appellate level, then they have
24 to take that financial concern.

25 And that's what my biggest point is. There has to be, in

1 my opinion, a cost of appealing matters in regards to these types of
2 cases. And if you prevail in this types of case, which I believe, in
3 this matter, the *Review-Journal* did prevail, and then it just
4 becomes down to me is the questioning of what the language says
5 in the statute and what it just really means to, basically, be a
6 proceeding. And whether or not the new legislature clarified it. If it
7 clarified it, they should have stricken the term proceedings and
8 gave it a full definition, if that's really what they intended to do.

9 But the Court finds that the Motion for Fees and Costs is
10 hereby granted. However, the amount that I came up with when I
11 went through all of it, not just the reduction that was in the \$2,075,
12 but other reductions that the Court believes is reasonable, costs will
13 be awarded in the amount of \$2,472.99. Fees will be awarded in the
14 amount of \$167,200.

15 Counsel for the *Review-Journal*, prepare the order.

16 MS. McLETCHIE: Thank you, Your Honor.

17 Could -- is there any specific information the Court can
18 provide about what it --

19 THE COURT: It was just a matter of, counsel, basically,
20 and, you know, you can call it the vast years of auditing bills for
21 insurance companies. I went through and looked and did it. I spent
22 about three and a half hours going through the bills, counsel. I
23 don't have a problem with the blended rate. I just looked at certain
24 issues and said, okay, is this an amount that I believe should have
25 been. And then I pulled up the court record and said, How long was

1 the hearing? And I just verified every one of those opinions and
2 that's how I came up with my reasonable amount, counsel. Has
3 nothing to do with the quality of work --

4 MS. McLETCHE: Thank you, Your Honor.

5 THE COURT: -- I think you guys are outstanding, both
6 sides in this matter, and it was a hard fought case, and I applaud
7 both sides for fighting it.

8 MS. McLETCHE: Thank you, Your Honor.

9 THE COURT: Thank you.

10 MS. NICHOLS: Thank you.

11 [Court recessed at 9:32 a.m.]

12 ///

13
14
15
16
17
18
19 ATTEST: I do hereby certify that I have truly and correctly
20 transcribed the audio/video proceedings in the above-entitled case
21 to the best of my ability. Please note: Technical glitches in the
22 BlueJeans audio/video which resulted in audio distortion and/or
23 audio cutting out completely were experienced and are reflected in
24 the transcript.

25

Shawna Ortega, CET*562