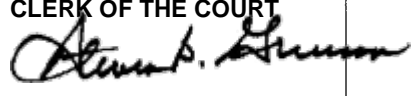


Marquis Aurbach Coffing
Nick D. Crosby, Esq.
Nevada Bar No. 8996
Jackie V. Nichols, Esq.
Nevada Bar No. 14246
10001 Park Run Drive
Las Vegas, Nevada 89145
Telephone: (702) 382-0711
Facsimile: (702) 382-5816
ncrosby@maclaw.com
jnichols@maclaw.com
*Attorneys for Respondent, Las Vegas
Metropolitan Police Department*

Electronically Filed
12/4/2018 1:56 PM
Steven D. Grierson
CLERK OF THE COURT


Electronically Filed
Dec 11 2018 10:50 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE CENTER FOR INVESTIGATIVE
REPORTING, INC.,

Petitioner,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Respondent.

Case No.: A-18-773883-W
Dept. No.: 31

**RESPONDENT LAS VEGAS METROPOLITAN POLICE DEPARTMENT'S NOTICE
OF APPEAL**

Respondent Las Vegas Metropolitan Police Department, by and through its attorneys of record, Nicholas Crosby, Esq. and Jackie Nichols, Esq., of the law firm of Marquis Aurbach Coffing, hereby appeals to the Supreme Court of Nevada from the Order Regarding the Center For Investigative Reporting Inc.'s Petition for Writ of Mandamus filed on November 5, 2018 and noticed on November 6, 2018, attached

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hereto as **Exhibit A**, respectively.

Dated this 4th day of December, 2018.

MARQUIS AURBACH COFFING

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

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **RESPONDENT LAS VEGAS METROPOLITAN POLICE DEPARTMENT'S NOTICE OF APPEAL** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 4th day of December, 2018. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:¹


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

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

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

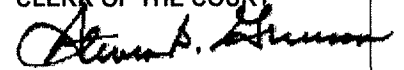
I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

N/A


An employee of Marquis Aurbach Coffing

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

EXHIBIT A



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 Petitioner

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 REGARDING THE CENTER
FOR INVESTIGATIVE REPORTING
INC.'S PETITION FOR WRIT OF
MANDAMUS**

Hearing Date: October 30, 2018
Hearing Time: 9:00 a.m.

This matter came on for hearing on Petitioner The Center For Investigative Reporting Inc.'s Verified Petition for Writ of Mandamus and Incorporated Application for Order and Expedited Hearing Pursuant to NRS 239.011 (the "Petition") on October 30, 2018. Philip R. Erwin, Esq. of the law firm Campbell & Williams appeared on behalf of Petitioner The Center For Investigative Reporting Inc. ("CIR") and Jackie V. Nichols, Esq. of the law firm Marquis Aurbach Coffing appeared on behalf of Respondent Las Vegas Metropolitan Police Department ("LVMPD"). Having considered CIR's Petition, LVMPD's Response, CIR's Reply, the parties' supplemental briefing regarding CIR's prevailing status under NRS 239.011(2), and the arguments of counsel, and good cause appearing therefore:

1 **I. FINDINGS**

2 THE COURT HEREBY FINDS THAT prior to the filing of this lawsuit, LVMPD did not
3 comply with the Nevada Public Records Act in response to CIR's requests seeking public records
4 related to the murder of Tupac Shakur in September 1996.

5 THE COURT FURTHER FINDS THAT as a result of the filing of this lawsuit, LVMPD
6 complied with the Nevada Public Records Act and made a satisfactory production of the public
7 records sought by CIR's Petition.

8 THE COURT FURTHER FINDS THAT because the filing of this lawsuit caused
9 LVMPD to comply with the Nevada Public Records Act, CIR prevailed pursuant to NRS
10 239.011(2).
11

12 **II. ORDER**

13 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the Verified Petition for
14 Writ of Mandamus and Incorporated Application for Order and Expedited Hearing Pursuant to
15 NRS 239.011 is DENIED as moot.

16 IT IS FURTHER ORDERED THAT CIR shall be deemed to have prevailed in this
17 litigation pursuant to NRS 239.011(2).
18

19 IT IS FURTHER ORDERED THAT CIR shall submit a motion for attorney's fees and
20 costs within ten (10) days of the notice of entry of this Order.

21 IT IS SO ORDERED.

22 DATED this 5 day of November, 2018.

23
24 
25 DISTRICT COURT JUDGE
26 EIGHTH JUDICIAL DISTRICT COURT
27
28

1 Respectfully submitted by:

2 CAMPBELL & WILLIAMS

3 By: 

4 Philip R. Erwin, Esq. (11563)
5 Samuel R. Mirkovich, Esq. (11662)
6 700 South Seventh Street
Las Vegas, Nevada 89101

7 *Attorneys for Petitioner*


8 Approved as to form and content:

9 MARQUIS AURBACH COFFING

10 By: 

11 Nick D. Crosby, Esq. (8996)
12 Jackie V. Nichols, Esq. (14246)
13 10001 Park Run Drive
Las Vegas, Nevada 89145

14 *Attorneys for Respondent*



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 Petitioner

DISTRICT COURT
CLARK COUNTY, NEVADA

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

Petitioner,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Respondent.

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

NOTICE OF ENTRY OF ORDER

Please take notice that on the 5th day of November, 2018, an Order Regarding the Center for Investigative Reporting Inc.'s Petition for Writ of Mandamus, was duly entered in the above entitled matter, a copy of which is attached as "Exhibit 1" and by this referenced made part hereof.

DATED this 5th day of November, 2018.

CAMPBELL & WILLIAMS

By: /s/ Philip Erwin

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

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Campbell & Williams, and that on this 5th day of November, 2018, I caused the foregoing document entitled **NOTICE OF ENTRY ORDER** to be served upon those persons designated by the parties in the E-Service Master List for the above-referenced matter in the Eighth Judicial District Court eFiling System in accordance with the mandatory electronic service requirements of Administrative Order 14-2 and the Nevada Electronic Filing and Conversion Rules.

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

EXHIBIT 1

EXHIBIT 1

Steven D. Grierson

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 Petitioner

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 REGARDING THE CENTER
FOR INVESTIGATIVE REPORTING
INC.'S PETITION FOR WRIT OF
MANDAMUS**

Hearing Date: October 30, 2018
Hearing Time: 9:00 a.m.

This matter came on for hearing on Petitioner The Center For Investigative Reporting Inc.'s Verified Petition for Writ of Mandamus and Incorporated Application for Order and Expedited Hearing Pursuant to NRS 239.011 (the "Petition") on October 30, 2018. Philip R. Erwin, Esq. of the law firm Campbell & Williams appeared on behalf of Petitioner The Center For Investigative Reporting Inc. ("CIR") and Jackie V. Nichols, Esq. of the law firm Marquis Aurbach Coffing appeared on behalf of Respondent Las Vegas Metropolitan Police Department ("LVMPD"). Having considered CIR's Petition, LVMPD's Response, CIR's Reply, the parties' supplemental briefing regarding CIR's prevailing status under NRS 239.011(2), and the arguments of counsel, and good cause appearing therefore:

1 I. FINDINGS

2 THE COURT HEREBY FINDS THAT prior to the filing of this lawsuit, LVMPD did not
3 comply with the Nevada Public Records Act in response to CIR's requests seeking public records
4 related to the murder of Tupac Shakur in September 1996.

5 THE COURT FURTHER FINDS THAT as a result of the filing of this lawsuit, LVMPD
6 complied with the Nevada Public Records Act and made a satisfactory production of the public
7 records sought by CIR's Petition.

8 THE COURT FURTHER FINDS THAT because the filing of this lawsuit caused
9 LVMPD to comply with the Nevada Public Records Act, CIR prevailed pursuant to NRS
10 239.011(2).
11

12 II. ORDER

13 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the Verified Petition for
14 Writ of Mandamus and Incorporated Application for Order and Expedited Hearing Pursuant to
15 NRS 239.011 is DENIED as moot.

16 IT IS FURTHER ORDERED THAT CIR shall be deemed to have prevailed in this
17 litigation pursuant to NRS 239.011(2).
18

19 IT IS FURTHER ORDERED THAT CIR shall submit a motion for attorney's fees and
20 costs within ten (10) days of the notice of entry of this Order.

21 IT IS SO ORDERED.

22 DATED this 5 day of November, 2018.

23
24 
25 DISTRICT COURT JUDGE
26 EIGHTH JUDICIAL DISTRICT COURT
27
28

1 Respectfully submitted by:

2 CAMPBELL & WILLIAMS

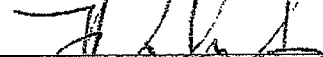
3 By: 

4 Philip E. Erwin, Esq. (11563)
5 Samuel R. Mirkovich, Esq. (11662)
6 700 South Seventh Street
7 Las Vegas, Nevada 89101

8 *Attorneys for Petitioner*

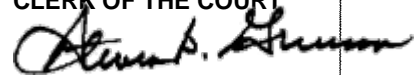
9 Approved as to form and content:

10 MARQUIS AURBACH COFFING

11 By: 

12 Nick D. Crosby, Esq. (8996)
13 Jackie W. Nichols, Esq. (14246)
14 10001 Park Run Drive
15 Las Vegas, Nevada 89145

16 *Attorneys for Respondent*



Marquis Aurbach Coffing
Nick D. Crosby, Esq.
Nevada Bar No. 8996
Jackie V. Nichols, Esq.
Nevada Bar No. 14246
10001 Park Run Drive
Las Vegas, Nevada 89145
Telephone: (702) 382-0711
Facsimile: (702) 382-5816
ncrosby@maclaw.com
jnichols@maclaw.com
*Attorneys for Respondent, Las Vegas
Metropolitan Police Department*

DISTRICT COURT

CLARK COUNTY, NEVADA

THE CENTER FOR INVESTIGATIVE
REPORTING, INC.,

Petitioner,

Case No.: A-18-773883-W
Dept. No.: 31

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Respondent.

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

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

1. Name of appellant filing this Case Appeal Statement:

Las Vegas Metropolitan Police Department

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

Honorable Elizabeth Gonzalez

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

Appellant: Las Vegas Metropolitan Police Department

Nick D. Crosby, Esq.
Jackie V. Nichols, Esq.
Marquis Aurbach Coffing
10001 Park Run Drive
Las Vegas, Nevada 89145

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

Respondent: The Center for Investigative Reporting, Inc.

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

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

N/A

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

Retained.

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

Retained.

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

N/A

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

May 2, 2018.

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

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

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

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

14 This case has not been the subject of any prior case in the Nevada Supreme Court.

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

13 N/A

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

15 This case does not involve the possibility of settlement.

16 Dated this 4th day of December, 2018.

17 MARQUIS AURBACH COFFING

18 By: /s/ Jackie V. Nichols
19 Nick D. Crosby, Esq.
20 Nevada Bar No. 8996
21 Jackie V. Nichols, Esq.
22 Nevada Bar No. 14246
23 10001 Park Run Drive
24 Las Vegas, Nevada 89145
25 *Attorneys for Respondent, Las Vegas*
26 *Metropolitan Police Department*
27
28

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

Philip R. Erwin, Esq.
Samuel Mirkovich, Esq.
Campbell & Williams
700 South Seventh Street
Las Vegas, Nevada 89101
jyc@cwlawlv.com
pre@cwlawlv.com
lmm@cwlawlv.com
srm@cwlawlv.com
rpr@cwlawlv.com
maw@cwlawlv.com
*Attorneys for Petitioner,
Enter for Investigative Reporting, Inc.*

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

N/A

An employee of Marquis Aurbach Coffing

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

CASE SUMMARY

CASE NO. A-18-773883-W

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

§
§
§
§
§

Location: **Department 11**
 Judicial Officer: **Gonzalez, Elizabeth**
 Filed on: **05/02/2018**
 Case Number History:
 Cross-Reference Case Number: **A773883**

CASE INFORMATION

Case Type: **Writ of Mandamus**

Case Status: **05/02/2018 Open**

DATE

CASE ASSIGNMENT

Current Case Assignment

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

PARTY INFORMATION






Plaintiff	Center for Investigative Reporting Inc	<i>Lead Attorneys</i> Erwin, Philip R., ESQ <i>Retained</i> 702-382-5222(W)
Defendant	Las Vegas Metropolitan Police Department	Crosby, Nick D <i>Retained</i> 702-382-0711(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

05/02/2018	 Petition for Writ of Mandamus Filed by: Plaintiff Center for Investigative Reporting Inc <i>Verified Petition for Writ Mandamus and Incorporated Application for Order and Expedited Hearing Pursuant to NRS 239.011</i>
05/02/2018	 Initial Appearance Fee Disclosure <i>Initial Appearance Fee Disclosure</i>
05/03/2018	 Summons Electronically Issued - Service Pending Party: Plaintiff Center for Investigative Reporting Inc <i>Summons to Las Vegas Metropolitan Police Department</i>
05/07/2018	 Writ of Mandamus Filed by: Plaintiff Center for Investigative Reporting Inc <i>Verified Petition for Writ of Mandamus and Incorporated Application for Order and Expedited Hearing Pursuant to NRS 239.011</i>
05/08/2018	 Affidavit of Service Filed By: Plaintiff Center for Investigative Reporting Inc <i>Affidavit of Service</i>

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

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

CASE SUMMARY

CASE NO. A-18-773883-W

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

12/04/2018



Notice of Appeal

Filed By: Defendant Las Vegas Metropolitan Police Department
Respondent Las Vegas Metropolitan Police Department's Notice of Appeal

12/04/2018



Case Appeal Statement

Filed By: Defendant Las Vegas Metropolitan Police Department
Respondent Las Vegas Metropolitan Police Department's Case Appeal Statement

HEARINGS

05/15/2018



Petition for Writ of Mandamus (9:00 AM) (Judicial Officer: Kishner, Joanna S.)

05/15/2018, 09/13/2018, 09/25/2018

Plaintiff's Verified Petition for Writ of Mandamus and Incorporated Application for Order and Expedited Hearing Pursuant to NRS 239.011

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

Pursuant to faxed request from counsel

Letter dated 8/28/18 requested 2 week continuance

Matter Continued;

Briefing Schedule Set;

Journal Entry Details:

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

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

Pursuant to faxed request from counsel

Letter dated 8/28/18 requested 2 week continuance

Matter Continued;

Briefing Schedule Set;

Journal Entry Details:

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

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

Pursuant to faxed request from counsel

Letter dated 8/28/18 requested 2 week continuance

Matter Continued;

Briefing Schedule Set;

Journal Entry Details:

The Court disclosed to the parties that an extern will be starting sometime next week and indicated the Court would screen off the extern from handling any Campbell Williams firm's cases to avoid any conflict of interest. Counsel waived any objection based on the limited information provided. Mr. Erwin argued that the burden is on Metro to make a showing the the law enforcement justifications for confidentiality clearly outweighs the public's interest for disclosure of the records; that the law enforcement justifications are to be construed narrowly

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-773883-W

in favor of a liberal application; finally the open records act requires redaction and production. Mr. Crosby requested an in camera hearing to hear testimony for purposes of balancing in favor of non-disclosure. Mr. Erwin objected to a closed hearing and requested an opportunity to cross examine the witness; requested that Metro provide anything they intend to utilize at the hearing, as well as a log of what is being withheld. Mr. Crosby indicated there would be a Table of Content of the File but it is nonspecific. Colloquy regarding scope of the hearing and the preparation prior thereto. COURT ORDERED, matter SET for Sealed Hearing. Counsel to provide a letter to Chambers to identify the length of time required for the hearing and a stipulated confidentiality agreement for sealing and non disclosure - for attorneys eyes only. 5/23/18 10:00 AM SEALED HEARING;

09/28/2018



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

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

MINUTES

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

Vacated

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

Set Status Check;

Journal Entry Details:

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

SCHEDULED HEARINGS

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

Vacated

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

10/30/2018



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

Hearing: Petition for Writ of Mandamus

Matter Heard;

Journal Entry Details:

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

11/02/2018

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

Vacated

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

12/21/2018

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

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

DATE

FINANCIAL INFORMATION

Defendant Las Vegas Metropolitan Police Department

Total Charges

24.00

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-773883-W

Total Payments and Credits	24.00
Balance Due as of 12/5/2018	0.00
Plaintiff Center for Investigative Reporting Inc	
Total Charges	280.00
Total Payments and Credits	280.00
Balance Due as of 12/5/2018	0.00

DISTRICT COURT CIVIL COVER SHEET

A-18-773883-W

County, Nevada

Case No. _____
(Assigned by Clerk's Office)

Department 31

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

Plaintiff(s) (name/address/phone): The Center for Investigative Reporting, Inc.	Defendant(s) (name/address/phone): Las Vegas Metropolitan Police Department
Attorney (name/address/phone): Philip R. Erwin, Esq. and Samuel R. Mirkovich, Esq. Campbell & Williams, 700 S. Seventh St. Las Vegas, Nevada 89101 (702) 382 5222	Attorney (name/address/phone):

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

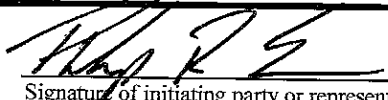
Civil Case Filing Types

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

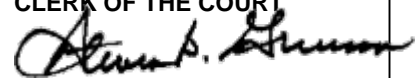
Business Court filings should be filed using the Business Court civil coversheet.

May 2, 2018

Date


 Signature of initiating party or representative

See other side for family-related case filings.



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 Petitioner

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 REGARDING THE CENTER
FOR INVESTIGATIVE REPORTING
INC.'S PETITION FOR WRIT OF
MANDAMUS**

Hearing Date: October 30, 2018
Hearing Time: 9:00 a.m.

This matter came on for hearing on Petitioner The Center For Investigative Reporting Inc.'s Verified Petition for Writ of Mandamus and Incorporated Application for Order and Expedited Hearing Pursuant to NRS 239.011 (the "Petition") on October 30, 2018. Philip R. Erwin, Esq. of the law firm Campbell & Williams appeared on behalf of Petitioner The Center For Investigative Reporting Inc. ("CIR") and Jackie V. Nichols, Esq. of the law firm Marquis Aurbach Coffing appeared on behalf of Respondent Las Vegas Metropolitan Police Department ("LVMPD"). Having considered CIR's Petition, LVMPD's Response, CIR's Reply, the parties' supplemental briefing regarding CIR's prevailing status under NRS 239.011(2), and the arguments of counsel, and good cause appearing therefore:

I. FINDINGS

THE COURT HEREBY FINDS THAT prior to the filing of this lawsuit, LVMPD did not comply with the Nevada Public Records Act in response to CIR's requests seeking public records related to the murder of Tupac Shakur in September 1996.

THE COURT FURTHER FINDS THAT as a result of the filing of this lawsuit, LVMPD complied with the Nevada Public Records Act and made a satisfactory production of the public records sought by CIR's Petition.

THE COURT FURTHER FINDS THAT because the filing of this lawsuit caused LVMPD to comply with the Nevada Public Records Act, CIR prevailed pursuant to NRS 239.011(2).

II. ORDER

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the Verified Petition for Writ of Mandamus and Incorporated Application for Order and Expedited Hearing Pursuant to NRS 239.011 is DENIED as moot.

IT IS FURTHER ORDERED THAT CIR shall be deemed to have prevailed in this litigation pursuant to NRS 239.011(2).

IT IS FURTHER ORDERED THAT CIR shall submit a motion for attorney's fees and costs within ten (10) days of the notice of entry of this Order.

IT IS SO ORDERED.

DATED this 5 day of November, 2018.



DISTRICT COURT JUDGE
EIGHTH JUDICIAL DISTRICT COURT

1 Respectfully submitted by:

2 CAMPBELL & WILLIAMS

3 By: 

4 Philip R. Erwin, Esq. (11563)
5 Samuel R. Mirkovich, Esq. (11662)
6 700 South Seventh Street
Las Vegas, Nevada 89101

7 *Attorneys for Petitioner*

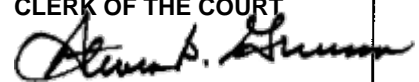
8 Approved as to form and content:

9 MARQUIS AURBACH COFFING

10 By: 

11 Nick D. Crosby, Esq. (8996)
12 Jackie V. Nichols, Esq. (14246)
13 10001 Park Run Drive
Las Vegas, Nevada 89145

14 *Attorneys for Respondent*



CAMPBELL & WILLIAMS
PHILIP R. ERWIN, ESQ. (11563)
pre@cwlawlv.com
SAMUEL R. MIRKOVICH, ESQ. (11662)
srm@cwlawlv.com
700 South Seventh Street
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Attorneys for Petitioner

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Petitioner,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Respondent.

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

NOTICE OF ENTRY OF ORDER

Please take notice that on the 5th day of November, 2018, an Order Regarding the Center for Investigative Reporting Inc.'s Petition for Writ of Mandamus, was duly entered in the above entitled matter, a copy of which is attached as "Exhibit 1" and by this referenced made part hereof.

DATED this 5th day of November, 2018.

CAMPBELL & WILLIAMS

By: /s/ Philip Erwin

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

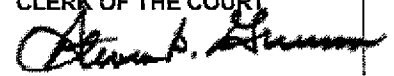
CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Campbell & Williams, and that on this 5th day of November, 2018, I caused the foregoing document entitled **NOTICE OF ENTRY ORDER** to be served upon those persons designated by the parties in the E-Service Master List for the above-referenced matter in the Eighth Judicial District Court eFiling System in accordance with the mandatory electronic service requirements of Administrative Order 14-2 and the Nevada Electronic Filing and Conversion Rules.

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

EXHIBIT 1

EXHIBIT 1



CAMPBELL & WILLIAMS
PHILIP R. ERWIN, ESQ. (11563)
pre@cwlawlv.com
SAMUEL R. MIRKOVICH, ESQ. (11662)
srm@cwlawlv.com
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DISTRICT COURT

CLARK COUNTY, NEVADA

THE CENTER FOR INVESTIGATIVE
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LAS VEGAS METROPOLITAN POLICE
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CASE NO.: A-18-773883-W
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**ORDER REGARDING THE CENTER
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MANDAMUS**

Hearing Date: October 30, 2018
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1 **I. FINDINGS**

2 THE COURT HEREBY FINDS THAT prior to the filing of this lawsuit, LVMPD did not
3 comply with the Nevada Public Records Act in response to CIR's requests seeking public records
4 related to the murder of Tupac Shakur in September 1996.

5 THE COURT FURTHER FINDS THAT as a result of the filing of this lawsuit, LVMPD
6 complied with the Nevada Public Records Act and made a satisfactory production of the public
7 records sought by CIR's Petition.

8 THE COURT FURTHER FINDS THAT because the filing of this lawsuit caused
9 LVMPD to comply with the Nevada Public Records Act, CIR prevailed pursuant to NRS
10 239.011(2).
11

12 **II. ORDER**

13 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the Verified Petition for
14 Writ of Mandamus and Incorporated Application for Order and Expedited Hearing Pursuant to
15 NRS 239.011 is DENIED as moot.

16 IT IS FURTHER ORDERED THAT CIR shall be deemed to have prevailed in this
17 litigation pursuant to NRS 239.011(2).
18

19 IT IS FURTHER ORDERED THAT CIR shall submit a motion for attorney's fees and
20 costs within ten (10) days of the notice of entry of this Order.

21 IT IS SO ORDERED.

22 DATED this 5 day of November, 2018.

23
24 
25 DISTRICT COURT JUDGE
26 EIGHTH JUDICIAL DISTRICT COURT
27
28

1 Respectfully submitted by:

2 CAMPBELL & WILLIAMS

3 By: 

4 Philip V. Erwin, Esq. (11563)

5 Samuel R. Mirkovich, Esq. (11662)

6 700 South Seventh Street

Las Vegas, Nevada 89101

7 *Attorneys for Petitioner*

8 Approved as to form and content:

9 MARQUIS AURBACH COFFING

10 By: 

11 Nick D. Crosby, Esq. (8996)

12 Jackie V. Nichols, Esq. (14246)

13 10001 Park Run Drive

Las Vegas, Nevada 89145

14 *Attorneys for Respondent*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

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

May 15, 2018	9:00 AM	Petition for Writ of Mandamus	Verified Petition for Writ of Mandamus and Incorporated Application for Order and Expedited Hearing Pursuant to NRS 239.011
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HEARD BY: Kishner, Joanna S.**COURTROOM:** RJC Courtroom 12B**COURT CLERK:** Tena Jolley**RECORDER:** Sandra Harrell**REPORTER:****PARTIES**

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

JOURNAL ENTRIES

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

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

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

5/23/18 10:00 AM SEALED HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

September 13, 2018

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

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

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 12B

COURT CLERK: Tena Jolley

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT: Erwin, Philip R., ESQ Attorney

JOURNAL ENTRIES

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

September 25, 2018

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

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

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 12B

COURT CLERK: Tena Jolley

RECORDER: Sandra Harrell

REPORTER:

PARTIES

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

JOURNAL ENTRIES

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

September 28, 2018

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

September 28, 2018 3:00 AM Status Check

HEARD BY: Kishner, Joanna S.

COURTROOM: Chambers

COURT CLERK: Tena Jolley

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

October 30, 2018

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

October 30, 2018 9:00 AM Hearing

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

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

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

JOURNAL ENTRIES

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

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

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

Mr. Erwin to prepare today's order.

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

RESPONDENT LAS VEGAS METROPOLITAN POLICE DEPARTMENT'S
NOTICE OF APPEAL; RESPONDENT LAS VEGAS METROPOLITAN POLICE DEPARTMENT'S
CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET;
ORDER REGARDING THE CENTER FOR INVESTIGATIVE REPORTING INC.'S PETITION FOR
WRIT OF MANDAMUS; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES

THE CENTER FOR INVESTIGATIVE
REPORTING, INC.,

Plaintiff(s),

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Defendant(s),

Case No: A-18-773883-W

Dept No: XXXI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 5 day of December 2018.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk