

1 **3370**

2
3
4
5
6
7 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
8 **IN AND FOR THE COUNTY OF WASHOE**
9

10 In the Matter of the:

Case No. PR23-00813

11 DOE 1 TRUST

Dept. PR

12 _____/
13 **RECOMMENDATION FOR ORDER GRANTING IN PART AND DENYING IN**
14 **PART MOTION TO INTERVENE, MOTION FOR ACCESS, AND MOTION TO**
15 **UNSEAL**

16 On September 4, 2024, The New York Times Company, CNN, The Associated Press,
17 National Public Radio, Inc., The Washington Post, and Reuters filed a *Motion to*
18 *Intervene, Motion for Access, and Motion to Unseal on Order Shortening Time*
19 (“Motion”), where movants argue “this matter should be immediately unsealed and
20 all court proceedings and records should be open to the public.” Following entry of
21 an order shortening time to respond, the party identifying itself as DOE 9 filed *Doe*
22 *9’s Opposition to: Proposed Intervenors’ Motion to Intervene, Motion for Access, and*
23 *Motion to Unseal* on September 8, 2024 (the “Doe 9 Opposition”). On that same day,
the party identifying itself as DOE 3 also filed an opposition (the “Doe 3 Opposition”).

1 Parties identifying themselves as DOE 1 and DOE 2 have joined the Doe 9
2 Opposition. A reply in support of the Motion was filed by movants on September 9,
3 2024. On September 11, 2024, American Broadcasting Companies, Inc. filed a
4 separate motion to intervene in order to join the Motion. This recommendation
5 disposes of that motion as well. This court, having reviewed the Motion, its
6 oppositions, and reply, and being apprised of the premises, enters the following:

7
8 **Findings of Fact and Conclusions of Law**

9 As an initial matter, the Doe 9 Opposition “does not oppose the Proposed
10 Intervenors’ intervention in this matter for the limited purpose of seeking access”,
11 and the court finds the Motion is persuasive in arguing that parties seeking access
12 to court proceedings under the First Amendment may properly intervene to
13 advocate for access. *See Stephens Media, LLC v. Eighth Jud. Dist. Ct. ex rel. Cty. Of*
14 *Clark*, 125 Nev. 849, 860 (2009)(“[W]e hold that the public and the press have the
15 right to seek limited intervention in a criminal case to advance or argue
16 constitutional claims concerning access to court proceedings.”). To rule otherwise,
17 even in a non-criminal case, would be to deprive the public of a forum to
18 adjudicate their constitutional rights relating to court access. Accordingly,
19 movants should be granted the right to intervene in this case for the purpose of
20 advocating for their rights in this case.

21 The substance of the instant Motion argues that the First Amendment
22 implies a right to access the proceedings in this case based on the principles
23 announced in *Falconi v. Eighth Jud. Dist. Ct.*, 140 Nev. Adv. Op. 8, 543 P.3d 92

1 (2024), and the several persuasive authorities cited in the Motion. In light of the
2 filing of the Motion, and the Nevada Supreme Court’s ruling in *Falconi*, the court
3 considers these arguments below by first reviewing the statutory bases for sealing
4 of records in this case to consider whether and to what extent the movants’
5 requested information can be released consistent with those statutes, and then
6 considers whether and how the public and media’s constitutional rights are
7 implicated by the court’s conclusions. The court then considers the movants’
8 request to open the hearings in this case to the public.

9 **A. The Present Level of Public Access**

10 In accordance with a request in the initial petition in this case, which request
11 was assented to by all appearing parties in this case, the court entered an *Order*
12 *Sealing Proceedings and Closing Court Hearings* on January 26, 2024. That order
13 directed the sealing of the court file and the closing of hearings to the public because
14 “the pleadings and documents filed in these proceedings, and the proceedings
15 themselves will reveal confidential personal, financial, and business information of
16 the Trust and its beneficiaries or other family members who the Trustee serves.”
17 That order expressly cited NRS 669A.256, but was equally grounded in NRS
18 164.041, which was cited in petitioner’s initial petition. The court’s order directed
19 that “[a]ll court hearings on this matter are closed to the public” and that “the court
20 file on this matter is confidential and is therefore sealed” to all persons except
21 interested parties in this case.

22 Consistent with the court’s order, after receiving a number of public
23 inquiries the clerk of the court has made certain information about this case

1 available to the public via the Second Judicial District Court’s website at
2 <https://www.washoecourts.com/AttendingCourt/NotableCases>. This information
3 includes the case name, case number, the notation “**sealed**”, the case type,
4 initiation date, as well as an index of all the documents filed in the case, listed by
5 date and document code. All other information in this case has been sealed by the
6 clerk of the court. It is not correct then, as claimed by movants, that “nothing in
7 the case is available to any member of the public.” Motion, p. 2, ln. 12-13. Though
8 the information made available by the clerk of the court has been limited, the
9 existence of this case is not hidden.¹

10 Weeks after the court’s January 26, 2024 *Order Sealing Proceedings and*
11 *Closing Court Hearings*, the Nevada Supreme Court decided *Falconi v. Eighth Jud.*
12 *Dist. Ct. in & for Cnty. of Clark*, 543 P.3d 92 (2024). In that case, the Nevada
13 Supreme Court found on traditional common law and constitutional grounds that
14 “there is a presumption that civil proceedings must be open, just like criminal
15 proceedings.” 543 P.3d at 97. The *Falconi* court found that NRS 125.080, which
16 permits parties in a divorce proceeding to demand that the “trial and issue or issues
17 of fact” be “private”, is unconstitutional because civil proceedings are presumptively
18 open and that statute “preclude[s] the district court from applying the balancing
19 test to overcome that presumption on a case-by-case basis”. 543 P.3d at 100.

20 Like the *Falconi* Court, this probate court recognizes “the critical importance
21 of the public's access to the courts and the role that thoughtful, reasoned judicial
22

23 ¹ The use of a separate web page to display this case information, rather than the Court’s publicly available “Detailed Case Search” is a result of the present inability of the court’s electronic case management system to tailor search results to limit the release of information that is protected under NRS 164.041, NRS 669A.256 and the Court’s sealing order.

1 decision-making plays in identifying the compelling interests at stake and
2 determining . . . if and when to order closure in any proceeding, be it family, civil,
3 or criminal in nature; and . . . to what extent such closure should apply.” *Falconi*,
4 543 P.3d at 99. While the principles announced in *Falconi* may have general
5 application to all court proceedings, the *Falconi* decision dealt with the closing of
6 hearings under NRS 125.080 and associated court rules, rather than the sealing of
7 court records pursuant to statute. To govern sealing, the Nevada Supreme Court
8 has promulgated rules that provide a “uniform procedure for the sealing and
9 redacting of court records in civil actions” in Part VII of Supreme Court Rules, the
10 Nevada Rules for Sealing and Redacting Court Records (“SRCR”). Those rules
11 expressly exclude cases brought under Title 13 of Nevada Revised Statutes, under
12 which the present case was brought, and at least nine other broad categories of
13 cases for which specific sealing statutes apply. For Title 13 cases, NRS 164.041 and
14 NRS 669A.256 provide for the sealing of specific court records in cases such as this
15 one. While this probate court under its inherent powers may have additional
16 discretion to seal records in Title 13 cases, the court’s sealing of records in this case
17 was based exclusively in those statutes. In light of the Motion, it is appropriate for
18 this court to revisit the sealing of records and proceedings to ensure that the court’s
19 sealing hews most closely to the statutory requirements upon which it is based, and
20 the principles announced in *Falconi* to the extent they are applicable here. While it
21 is true that the January 26, 2024 sealing order has not been made available to the
22 public, as perhaps it should have been, this recommendation is designed to rectify
23 that omission and supplant that order with the benefit of the briefing submitted in

1 connection with the Motion. As detailed below, this probate court recommends
2 granting the Motion in part, unsealing certain records in this case to the extent that
3 those records do not violate the sealing permitted or required under NRS 164.041
4 and NRS 669A. In addition, the court takes this opportunity to clarify its own order
5 closing all hearings in this case, and concludes that the hearings should remain
6 closed to the public and to the media to prevent disclosure of confidential
7 information that is protected under the applicable sealing statutes. To the extent
8 that this recommendation is inconsistent with the court’s January 26 order or any
9 prior recommendations or orders, this recommendation (as and when confirmed by
10 further order in accordance with WDCR 57.3) will control.

11 **B. Sealing of Records**

12 Section 669A.256 of Nevada Revised Statutes provides:

13 *In any court proceeding relating to a trust or estate, the family trust company,*
14 *licensed family trust company, other fiduciary of the trust, settlor or any*
15 *beneficiary, may petition the court to order the following trust documents to be*
16 *sealed:*

- 17 (a) *Any trust instruments;*
- 18 (b) *Any inventories;*
- 19 (c) *Any accounts;*
- 20 (d) *Any statements filed by a fiduciary;*
- 21 (e) *Any annual reports of a fiduciary;*
- 22 (f) *Any final reports of a fiduciary;*
- 23 (g) *All petitions, exhibits, objections, pleadings and motions relevant to the*
trust or its administration; and
- (h) *All court orders.*²

It is not contested by the parties, and this probate court again finds, that this

² Chapter 669A identifies certain additional information as “confidential information” relating to regulation of family trust companies and protected from public disclosure, including: “The names of stockholders, members or other owners”; “Ownership information”; “Capital contributions”; “Addresses”; “Business affiliations”; and “Information obtained from the family trust company.” NRS 669A.040.

1 case involves a trust governed by a trustee who is a “family trust company” under
2 NRS 669A.080 who has the right to petition the court to seal the documents
3 included in NRS 669A.256.

4 Section 164.041 of Nevada Revised Statutes provides for an even broader
5 sealing of records “relating to trusts”, entitling any party, without first petitioning
6 the court, to file “confidential information” under seal and providing that
7 “confidential information, once redacted or filed under seal must be redacted and
8 filed under seal without a prior court order in all subsequent filings and orders in
9 the matter relating to the petition.” NRS 164.041(2). This “confidential information”
10 includes:

- 11 (a) *Trust instruments, inventories, accountings and reports;*
- 12 (b) *The names and addresses of trust settlors and beneficiaries;*
- 13 (c) *Trust dispositive terms, including, without limitation:*
 - 14 (1) *The identity and amount of distributions or gifts; and*
 - 15 (2) *Powers of appointments;*
- 16 (d) *Corporate and company records relating to trusts;*
- 17 (e) *Personally identifying information, including, without limitation, social*
18 *security numbers and dates of birth; and*
- 19 (f) *Any other information the court deems confidential, if the interest in*
20 *protecting the confidentiality of the information outweighs the public interest in*
21 *accessing such information.* NRS 164.041(4).

17 It is again undisputed, and the court again finds, that this case involves
18 parties and witnesses that include settlor(s), beneficiaries, and a family trust
19 company in a dispute over a trust’s terms, including its dispositive terms.

20 By its terms, the right to seal information under NRS 164.041³ belongs to the
21 parties without petitioning the court, and once invoked all further “confidential
22

23 ³ By this court’s reckoning, the case at bar is the first case in the Second Judicial District Court, and perhaps in the State of Nevada, to invoke a party’s right to seal under NRS 164.041.

1 information once redacted or filed under seal *must* be redacted *and* filed under seal”.
2 NRS 164.041(2)(emphasis added). While the court is authorized to order the
3 production of “copies of petitions, filings and orders that have been redacted or filed
4 under seal to an interested person”, NRS 164.041(3), this provision is not availing
5 for the movants. Under NRS 132.185, an “interested person” is defined as “a person
6 whose right or interest *under an estate or trust* may be materially affected by a
7 decision of a fiduciary or a decision of the court.” (emphasis added). Movants cannot
8 show that they have a right or interest under the trust in this case, as they are
9 neither settlors, beneficiaries, remaindermen, or other parties with cognizable
10 interests under the trust declaration at issue.

11 Section 164.041(3) also permits the court to order the production of
12 “unredacted and complete copies of sealed records to “other persons for cause
13 shown”, but the court cannot interpret that phrase to require dissemination of
14 sealed or redacted records to the public when their “cause shown” is simply the
15 public’s (or the media’s) general right to access court proceedings. To require
16 unsealing of records any time that a member of the public or the media asserted a
17 right to access would be to strip the parties’ right to seal “confidential information”,
18 rendering the statute meaningless and subverting the intent of the legislature. In
19 other words, while the court can envision that certain persons, in certain cases,
20 might show good cause to require production of this confidential information, the
21 right of the general public to do so under the statute is narrow, at best. *Cf. Matter*
22 *of Trust Created by Johnson*, 299 N.J.Super. 415, 423 (N.J.Super.A.D.)(1997)
23 (“Absent presence of such important issues, the general public’s right to inspect

1 sealed private documents relating to a person’s personal finances is highly
2 suspect.”)(Discussing issues of “health, safety, or consumer fraud”).

3 Taken together, NRS 164.041 and NRS 669A.256 provide (though not
4 expressly) for the sealing of all papers filed in this case. This court cannot discern
5 any document in the record that is exclusive of “[a]ll petitions, exhibits, objections,
6 pleadings and motions relevant to the trust or its administration”, “all court orders”,
7 any document that does not include the “names or addresses of trust settlors and
8 beneficiaries”, not to mention the other categories of information sealed or otherwise
9 made confidential under NRS 164.041, NRS 669A.256 or NRS 669A.040.⁴
10 Furthermore, the court in its January 26, 2024 order deemed “personal, financial,
11 and business information of the Trust and its beneficiaries or other family members
12 who the Trustee serves” as confidential because (to the extent this information is
13 not expressly “confidential” under the applicable statutes), this information is
14 traditionally and properly within the domain of a settlor or beneficiary’s private,
15 personal life rather than the domain of public life, and the public’s interest in this
16 specific information, beyond sheer curiosity, is *de minimis*, at best. A family trust
17 like the one at issue in this case, even when it is a stockholder in publicly traded
18 companies, is essentially a private legal arrangement, as the applicable sealing
19 statutes recognize.

20 Movants argue that “[e]ven if legitimate privacy and safety interests were at
21

22 ⁴ Even revealing the trust’s name would reveal the name of the settlor of the trust, which is why this case, from its
23 inception, has borne the caption “The Doe I Trust”. The right of the parties to protect the names of settlors and
beneficiaries under NRS 164.041(4)(b) is, as a practical matter, the most broad and impactful as the court considers
which papers should be sealed under that statute.

1 issue . . . the appropriate remedy would be redaction.” Motion, p. 10, ln. 14-15.
2 While redaction is preferred under SRCR 4(3), those rules are not applicable to Title
3 13 cases; NRS 669A.256 provides for “sealing”, and not redaction, while NRS
4 164.041 permits the parties to use sealing or redaction at their election. These
5 statutes do not offer the court the same flexibility to determine whether sealing or
6 redaction is appropriate.

7 Turning to the constitutional issues raised in the Motion, this probate court
8 cannot conclude that either NRS 164.041 or NRS 669A.256 is patently
9 unconstitutional on its face. First, the Nevada Supreme Court does not appear to
10 have yet considered either statute; Further, these statutes appear to strike a
11 balance between the public’s right to court records in normal civil cases, and
12 protection of private parties from disclosure of their personal, family, and financial
13 information in trust cases. Applied to this case, these statutes protect the privacy
14 of information well within the domain of the parties’ private, family life, such as the
15 parties’ wealth management and transfer, the private deliberations of their
16 fiduciaries, and their succession planning which, as in many trust cases, was
17 undertaken, at least in part, to avoid public proceedings. Both NRS 669A.256 and
18 NRS 164.041 appear tailored to protect these important, even compelling, privacy
19 interests of the parties in this case by keeping from public view information that
20 could easily be used by members of the public to facilitate identity theft or other
21 types of fraud, disruption of the trustee’s business, and public embarrassment,
22 among other malicious acts. The court cannot conclude that the public’s right to
23 this information, which by statute or tradition is “confidential” in nature, is

1 outweighed by the statutory rights of the parties to keep it confidential. “Statutes
2 are presumed to be valid, and the challenger bears the burden of showing that a
3 statute is unconstitutional.” *Silvar v. Eighth Jud. Dist. Ct. ex rel. Cnty. of Clark*, 122
4 Nev. 289, 292 (2006). Movants have not sufficiently made that showing.

5 Accordingly, this probate court concludes that all papers filed in this case
6 should remain sealed, with the exception of this recommendation and its confirming
7 order, or any order that declines to adopt the findings and conclusions of this
8 recommendation, all of which should be made available to the movants and the
9 public. Further, the clerk of the court should make any papers filed in connection
10 with a petition for judicial review of this recommendation available to the movants
11 and the public. With respect to these moving papers, the clerk of the court should
12 be ordered to redact any information that is protected under NRS 164.041 (these
13 papers are not anticipated to include matters sealed under NRS 669A.256). Counsel
14 for the parties, as officers of the court, should be ordered to assist with this
15 redaction. The release of these papers is appropriate because they are not “relevant
16 to the trust or its administration”, NRS 669A.256(1)(g), but to adjudication of the
17 public’s right to seek the unsealing of court records. The public release of any other
18 papers in this case would risk the release of confidential, statutorily-protected
19 private information of the parties and the risks associated with such dissemination.

20 Even while the parties’ papers filed in this case to should remain sealed,
21 certain court records that are not presently publicly available related to this case
22 do not appear to be protected under Chapters 164 or 669A of Nevada Revised
23 Statutes and should be unsealed. There appears to be no limitation on making the

1 name of the judges and judicial officers presiding over this case available to the
2 public; Furthermore, neither of those statutes requires the sealing of the names of
3 the attorneys of record for the parties. And, to the extent that appearing parties in
4 this case are neither settlors nor beneficiaries of the trust at issue, the names of
5 those parties are not protected from public dissemination under applicable statutes.
6 In sum, the undersigned's recommendation is to direct the clerk of the court to
7 make publicly available all case information normally available to the public in
8 unsealed cases (but not including any papers filed in this case) unless that
9 information includes the name of any settlor or beneficiary, or any other information
10 protected by NRS 669A.256 or NRS 164.041. All other records in this case should
11 remain sealed. The sealing of records in this case should not be any broader than
12 the sealing provided under either NRS 164.041 or NRS 669A.256.

13 **C. Closure of hearings to the Public and Media**

14 The basis for the court's closing of hearings in this case to the public, and to
15 the media, is based on the conclusion that allowing public or media access would
16 compromise the confidential information protected by the sealing statutes
17 discussed in Section "B" above. Based on the constitutional issues raised in the
18 instant motion however, and specifically Movant's reliance on *Falconi*, which deals
19 with public access to court hearings rather than sealing of records, this probate
20 court finds it appropriate to clarify the second part of its January 26, 2024 *Order*
21 *Sealing Proceedings and Closing Court Hearings*.

22 The *Falconi* decision highlights certain key principles and tests in evaluating
23 whether the presumption of open civil proceedings is overcome in any particular

1 case, but there are key differences between the statute and rules at issue in that
2 case, and the court’s basis for closing all hearings in this case.

3 Under *Falconi*, a court must first look to “history and logic” to determine if a
4 First Amendment right to access attaches. The present case is not necessarily an
5 “ordinary civil proceeding” at common law, *cf. NBC Subsidiary (KNBC-TV), Inc. v.*
6 *Superior Ct.*, 980 P.2d 337, 359 (1999), but a statutory proceeding under NRS
7 164.010, NRS 164.015, and NRS 30.060. Trust proceedings such as this one have
8 their roots in courts of equity, and while the distinction between law and equity is
9 no longer a useful one in modern jurisprudence, the Doe 9 Opposition points to
10 the historical development of procedure in trust matters that diverges significantly
11 from common law matters. *See* Doe 9 Opposition, p. 14-17. Of course, like all
12 court proceedings, trust and probate matters are generally open to the public, but
13 this probate court cannot conclude that a First Amendment right to access
14 attaches as it does in “ordinary civil proceedings”, because these proceedings are
15 different historically and presently. To illustrate, while the Nevada Rules of Civil
16 Procedure apply to “all civil actions”, they are only applicable to Title 13 cases
17 through NRS 164.005 (as incorporated through NRS 155.180), and only to the
18 extent they do not conflict with the other procedural rules of Titles 12 and 13.
19 Title 13 cases are exercises of the court’s *in rem* jurisdiction, see NRS 164.010(1),
20 and are distinct from common civil cases in their procedures for seeking relief
21 (through “petitions”, NRS 132.270, rather than complaints), their due process
22 requirements (compare NRS 155.010-155.090 with NRCP 4 and 5), and the
23 availability of a jury trial. *See* NRS 155.150; *Cf. Nev. Const. Art. 3, s 1.*

1 These distinctions, and the authorities cited by the Doe 9 Opposition at p.
2 14 – 16, do not establish that trust cases have always been closed to the public, or
3 that they *should* or *must* be closed to the public. Indeed, as a general rule, these
4 proceedings are open to the public, *see* NRS 155.130 (as incorporated into Title 13
5 by NRS 164.005), and the media. *See* SCR 230(2). There is good reason to permit
6 the public to observe their government institutions and public servants at work,
7 and to gain experience and confidence in the workings of those institutions. But
8 there is also good reason to restrict the public’s access to certain types of facts
9 that are commonly contained in many trust filings and, in some cases, lie at the
10 very heart of the parties’ dispute. This probate court is unable to conclude that
11 the presumption of public access in trust cases is a constitutional one, because
12 neither the *Falconi* case, nor any other authority cited by movants has
13 demonstrated that Trust cases meet the “history and logic” test that would make a
14 constitutional right to access apply. Even if such a right did attach to these
15 proceedings, the question of whether to close hearings where parties have invoked
16 their rights under NRS 164.041 or NRS 669.256 is different than the question
17 before the Court in *Falconi*.

18 The statute at issue in *Falconi*, NRS 125.080, allows a party to request that
19 the court direct “any divorce action” be “private”. The statute offers no detail as to
20 what information the statute protects from disclosure or what interests are
21 protected. In contrast, both NRS 164.041 and NRS 669A.256 designate specific
22 factual matters as “confidential” and permit a party to invoke a statutory right to
23 make that information sealed. The private information protected under each statute

1 requires little guesswork to determine why it is protected, being information that is
2 often kept private, even from family members, or involving personally identifying
3 information that can be exploited by anonymous nonparties. As discussed at
4 Section B above, the categories of private information protected by these statutes
5 are omnipresent in this case, and protecting that information from public
6 dissemination requires closure of the hearings in this case – particularly evidentiary
7 hearings, which are the only hearings presently scheduled to occur. Any hearing in
8 this case is certain to reveal the names and personally identifying information of the
9 settlor(s) and beneficiaries, and any evidentiary hearing will also reveal certain of
10 the trustee’s business records, ownership information, personally identifying
11 information, information relating to the relationship with a contracting trustee, and
12 other types of “confidential information” protected under NRS 164.041 NRS
13 669A.256, and NRS 669A.040, all of which the Nevada Legislature has determined
14 should be protected from public dissemination.

15 Stated otherwise, NRS 164.041 and NRS 669A.256 create statutory rights of
16 privacy of certain personal information in a trust case that, in this case, where the
17 parties have invoked those rights and litigated under their protection, gives rise to
18 a compelling interest of the parties to maintain that confidentiality that is not
19 outweighed by the public’s right to information that concerns private, family trust
20 matters, no matter how well-known this family might be.

21 In addition to the protection of privacy interests that outweigh the public’s
22 right to access these proceedings, the court also recognizes that several of the
23 parties and witnesses in this case—as even movants concede—are well known to

1 the public and the subjects of intense media and public scrutiny. These parties
2 warrant additional security measures to ensure that their own physical access to
3 the courts is not infringed, and that malicious actors who might wish them harm
4 cannot use their appearances in this probate court to facilitate that harm. Certainly,
5 additional court security measures can partially mollify these risks, but closure of
6 hearings is another tool this court can employ to ensure these parties' safe access
7 to the courthouse. In this particular case, while these considerations do not, by
8 themselves, warrant complete closure of hearings to the public, these
9 considerations weigh in favor of closure when combined with the other privacy
10 factors discussed above. *Cf.* SCR 230(2)(b) and (c)(identifying “[t]he impact of
11 coverage upon the right of privacy of any party or witness” and “the impact of
12 coverage upon the safety and well-being of any party, witness or juror” as factors to
13 consider in permitting electronic coverage of hearings that are not otherwise closed).

14 The first rule of the Nevada Rules of Civil Procedure, incumbent on this
15 probate court under NRS 155.180 and 164.005, is “to secure the just, speedy, and
16 inexpensive determination of every action and proceeding.” This court endeavors to
17 fulfill the promise of this rule to all litigants who appear before it—no matter how
18 wealthy or poor, powerful or powerless, famous or anonymous. While the public, in
19 the run of cases, has a right and an important interest in observing the workings of
20 its courts, and to the confidence in its institutions that this transparency provides,
21 that right should not be accorded more weight simply because the parties may be
22 wealthy, famous, or powerful. Where important privacy interests must be protected
23 in any given case, these considerations can, and in this case do, outweigh the

1 public's and the media's interests in access to the proceedings. This court concludes
2 that closure is the only way to prevent public dissemination of this protected
3 information. This evaluation is what caused the court to close the hearings in this
4 case to the public in its January 26 order, and provides good grounds to deny the
5 instant Motion to open these proceedings to the public. Accordingly, the
6 undersigned recommends that **IT IS ORDERED:**

7 1. Movants' motion to intervene is **granted**; Movants may intervene for the
8 limited purpose of asserting the public's and the media's rights to access the records
9 and proceedings in this case;

10 2. The motion to unseal records in this case is **granted** in part, consistent
11 with the court's findings of fact and conclusions of law in Section "B" above; the
12 clerk of the court shall make available to the public all records in this case not
13 protected under NRS 669A.256 or NRS 164.041, exclusive of all papers filed in this
14 case, with the exception of those papers related to this recommendation identified
15 for unsealing in Section "B". Attorneys for the parties are directed to assist with this
16 redaction as requested by the clerk of the court.

17 3. The Motion for Access to the hearings in this case is **denied**. All
18 hearings in this case shall remain closed to the public and to the media, including
19 the movants.

20 DATED this 12th day of September, 2024.

21 **IT IS SO RECOMMENDED.**

22 
23 _____
PROBATE COMMISSIONER

