

1 the Nevada Secretary of State to disclose the fictitious address of Ms. [REDACTED] Mr. Falconi
2 alleged that Ms. [REDACTED] obtained a fictitious address from the Secretary of State based
3 upon an expired temporary protective order. This request was denied by the district
4 court. The Supreme Court affirmed the decision on September 13, 2011, on the basis that
5 the district court lacked jurisdiction over the petition.

6 Mr. Falconi filed an "Original Petition for Writ of Mandamus" in the Nevada
7 Supreme Court challenging the issuance of a fictitious address under NRS 217.462-471.
8 On April 25, 2013, the Nevada Supreme Court denied the petition. *Falconi v. Secretary of*
9 *State*, 129 Nev. Adv. Op. 28, 299 P.3d 378 (2013). The Nevada Supreme Court held that
10 the district court, rather than the Supreme Court, is the proper tribunal to adjudicate this
11 matter due to the factual determinations required to determine whether to order the
12 disclosure of participant's confidential address to the other custodial parent. *Id.*

13 The Nevada Supreme Court specified the procedure that this Court is required to
14 follow in determining whether to disclose the confidential address of a participant in the
15 fictitious address program. *Id.* Accordingly, the Nevada Supreme Court held that the
16 petitioner has the initial burden of demonstrating that he or she shares joint legal custody
17 with the co-parent enrolled in the confidential address program. *Id.* at 387. "[T]he party
18 seeking to maintain the confidential address, as the real party in interest, will have the
19 burden of proving that the party seeking disclosure was the perpetrator of an act of
20 domestic violence against him or her or against the parties' child and that he or she fears
21 further domestic violence." *Id.* If the participant parent satisfies this element by clear and
22 convincing evidence, the petitioner has the burden of establishing that confidentiality of
23 the participant parent's address is not in the child's best interests, pursuant to NRS
24 125.480(4). *Id.*

25 Pursuant to this Court's Order After Hearing, filed October 19, 2011, in case
26 number FV08-03200, the parties share joint legal and joint physical custody of the minor
27 child. This Court finds that Mr. Falconi has met his initial burden by demonstrating that
28 he shares with a co-parent enrolled in the confidential address program joint legal and
physical custody of a minor child, to wit: [REDACTED] Falconi, born [REDACTED]

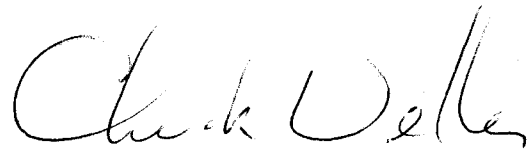
1 The Court notes that Ms. [REDACTED] was served at her last known address of record via
2 mail, and pursuant to NRCP 5 she received proper notice of this hearing. Ms. [REDACTED]
3 failed to appear or present any argument. Accordingly, she has not met her burden of
4 proving that Mr. Falconi was the perpetrator of an act of domestic violence and that she
5 fears further violence.

6 Respondent, the Secretary of State, testified that it takes no position as to the
7 substantive question of whether Mr. Falconi is entitled to Ms. [REDACTED] address.

8 Therefore, Mr. Falconi's Petition is hereby GRANTED. In accordance with NRS
9 34.160, this Court hereby directs the Secretary of State to disclose [REDACTED] Ann [REDACTED]
10 confidential home address to Alexander Falconi.

11 **IT IS HEREBY ORDERED**

12 Dated: December 24, 2013.

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16 District Court Judge

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19 (CV13-01019 - Writ of Mandamus)
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CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of JUDGE CHUCK WELLER, and that I deposited for mailing at Reno, Nevada, a true copy of the attached document, addressed to:

Alexander Falconi
[REDACTED]
[REDACTED]

[REDACTED] Ann [REDACTED]
[REDACTED]
[REDACTED]

I further certify that that I electronically filed the foregoing with the Clerk of the Court system which will send a notice of electronic filing to the following:

Kevin Benson, Esq.

Dated this 24th Day of December, 2013.

S. Blake
ADMINISTRATIVE ASSISTANT