



1 **PET**
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7 Attorneys for Petitioners
8

9 **DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

11 American Broadcasting Companies, Inc.; The
Associated Press; Cable News Network, Inc.;
12 Chesapeake Media I, LLC, d/b/a KSNV-TV; Los
Angeles Times Communications, LLC; The New
13 York Times Company; and WP Company LLC
d/b/a The Washington Post

14 Petitioners,

15 v.

16 Las Vegas Metropolitan Police Department,

17 Respondent.
18

CASE NO. A-17-764030-W

Department 24

**PUBLIC RECORDS ACT
APPLICATION PURSUANT TO NEV.
REV. STAT. § 239.011/ PETITION FOR
WRIT OF MANDAMUS**

**EXPEDITED MATTER PURSUANT TO
NEV. REV. STAT. § 239.011**

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20
21 COMES NOW Petitioners American Broadcasting Companies, Inc. (“ABC”), the
22 Associated Press (“AP”), Cable News Network, Inc. (“CNN”), Chesapeake Media I, LLC, d/b/a
23 KSNV-TV (“KSNV-TV”), Los Angeles Times Communications, LLC (“*Los Angeles Times*”),
24 The New York Times Company (“*The New York Times*”), and WP Company LLC d/b/a The
25 Washington Post (“*Washington Post*”) (collectively, “Petitioners”), by and through their
26 undersigned counsel, and hereby bring this Petition for Writ of Mandamus for declaratory and
27 injunctive relief and seeking an order requiring the Las Vegas Metropolitan Police Department
28 (“Metro”) to provide Petitioners access to public records. Petitioners also request an award for all

1 fees and costs associated with their efforts to obtain withheld public records as provided for by
2 Nev. Rev. Stat. § 239.011(2). Further, Petitioners respectfully ask that this matter be expedited
3 pursuant to Nev. Rev. Stat. § 239.011(2).

4 Petitioners hereby allege as follows:

5 **NATURE OF ACTION**

6 1. Petitioners bring the application for relief pursuant to Nev. Rev. Stat. § 239.011,
7 commonly known as the Nevada Public Records Act (“NPRA”). *See also Reno Newspapers,*
8 *Inc. v. Gibbons*, 127 Nev. 873, 884 n.4, 266 P.3d 623, 630 n.4 (2011).

9 2. Petitioners’ application to this Court is the proper means to secure Metro’s
10 compliance with the NPRA. *See id.*; *see also DR Partners v. Bd. of Cty. Comm’rs of Clark Cty.*,
11 116 Nev. 616, 621, 6 P.3d 465, 468 (2000) (citing *Donrey of Nev. v. Bradshaw*, 106 Nev. 630,
12 798 P.2d 144 (1990)) (writ of mandamus is the appropriate procedural remedy to compel
13 compliance with the NPRA).

14 3. Petitioners are entitled to an expedited hearing on this matter pursuant to Nev.
15 Rev. Stat. § 239.011(2), which mandates that “[t]he court shall give this matter priority over
16 other civil matters to which priority is not given by other statutes.”

17 **PARTIES**

18 4. Petitioner ABC owns, among other things, ABC News and abcnews.com, which
19 regularly gather and report news to the public. Programs produced and disseminated by ABC
20 News include *World News Tonight with David Muir*, *20/20*, *Good Morning America*, and *This*
21 *Week*. It is based at 47 W. 66th St., New York, NY 10023.

22 5. Petitioner AP is a news cooperative organized under the Not-for-Profit
23 Corporation Law of New York, and owned by its 1,500 U.S. newspaper members. The AP is the
24 world’s largest and oldest news-gathering organization. Its corporate headquarters are located at
25 200 Liberty St., New York, NY 10281. The AP also maintains a local Las Vegas office at 300 S.
26 4th St. #810, Las Vegas, NV 89101.

27 6. Petitioner CNN is a subsidiary of Turner Broadcasting System, Inc., a Time
28 Warner Inc. company. CNN is a portfolio of two dozen news and information services across

1 cable, satellite, radio, wireless devices and the Internet in more than 200 countries and territories
2 worldwide. It is based at One CNN Center, Atlanta, GA 30303.

3 7. Petitioner Chesapeake Media I, LLC does business as KSNV-TV television
4 station, which is the Las Vegas affiliate of The National Broadcast Corporation (“NBC”).
5 KSNV-TV’s station address is 1500 Foremaster Lane, Las Vegas, NV 89101.

6 8. Petitioner Los Angeles Times Communications LLC, a subsidiary of tronc, inc.,
7 publishes the *Los Angeles Times*, California’s largest newspaper, and a number of smaller
8 community papers. The Times website, www.latimes.com, is a leading source of California,
9 national and international news. It is based at 202 W. 1st St., Los Angeles, CA 90012.

10 9. Petitioner The New York Times Company is the owner of *The New York Times*
11 and the *International New York Times*, formerly the *International Herald Tribune*, and operates
12 the news website www.nytimes.com. It is based at 620 Eighth Avenue, New York, NY 10018.

13 10. Petitioner WP Company LLC d/b/a The Washington Post publishes one of the
14 nation’s most prominent daily newspapers, *The Washington Post*, as well as a website,
15 www.washingtonpost.com, that is read by an average of more than 20 million unique visitors per
16 month. It is based at 1301 K Street NW, Washington, D.C. 20071.

17 11. Respondent Metro is a public agency in the County of Clark, Nevada. Metro is
18 subject to the NPRA pursuant to Nev. Rev. Stat. § 239.005(5)(b).

19 **JURISDICTION AND VENUE**

20 12. This Court has jurisdiction to issue writs of mandamus. Nev. Const. art. VI, § 6;
21 Nev. Rev. Stat. § 34.160.

22 13. This Court has jurisdiction pursuant to Nev. Rev. Stat § 239.011, as the court of
23 Clark County where all relevant public records sought are held.

24 14. Venue is proper in the Eighth Judicial District Court of Nevada pursuant to Nev.
25 Rev. Stat. § 239.011. All parties and all relevant actions to this matter were and are in Clark
26 County, Nevada.

27 **STANDING**

28 15. Petitioners have standing to pursue this expedited action pursuant to Nev. Rev.

1 Stat. § 239.010 because public records they have requested from Metro have been unjustifiably
2 withheld.

3 **FACTS**

4 16. On October 2, 2017, Petitioner ABC sent Metro a request pursuant to the NPRA,
5 seeking to inspect all recordings made by police-worn body cameras on the night of October 1,
6 2017. (the “ABC First Request”). Exhibit 1, MEDIA001-2.

7 17. Metro responded to ABC on October 3, 2017. It refused to provide any records,
8 claiming that because the requested body camera recordings are “part of an ongoing
9 investigation” they were “considered evidence in the investigation and cannot be released as a
10 public record.” *Id.*

11 18. In its response to ABC’s request, Metro did not cite to any authority for its
12 refusal. *Id.*

13 19. On October 4, 2017, Petitioner ABC sent Metro a second request pursuant to the
14 NPRA (the “ABC Second Request”). Exhibit 2, MEDIA003.

15 20. The ABC Second Request sought audio recordings of all 911 calls received on
16 October 1, 2017, relating to the “Oct. 1 shooting incident at Mandalay Bay” (the “Requested
17 Records”). *Id.*

18 21. On October 11, 2017, after the statutory deadline for Metro’s response had
19 elapsed and no response had been received from Metro, Petitioner ABC reiterated its ABC
20 Second Request to Metro. *Id.*

21 22. Metro responded to ABC on October 18, 2017. Metro refused to provide any of
22 records sought in the ABC Second Request, claiming that because the records are purportedly
23 “part of an open investigation” they are “confidential and privileged pending the outcome of the
24 investigation.” *Id.* Metro cited *Donrey of Nevada v. Bradshaw*, 106 Nev. 360, 798 P.2d 144
25 (1990), as authority for its refusal.

26 23. On October 3, 2017, Petitioner CNN sent Metro a request pursuant to the NPRA
27 (the “CNN Request”). Exhibit 3, MEDIA004-5.

28 24. The CNN Request sought “access to all copies of records pertaining to Stephen

1 Paddock, the suspect in the Las Vegas Shooting, specifically including but not limited to 911
2 dispatch calls, evidence logs, hotel surveillance video, police body cam footage, interview
3 reports, and anything related to this shooting investigation.” *Id.*

4 25. Metro responded to CNN on October 3, 2017. *Id.* Metro refused to provide any
5 of the records sought in the CNN Request, claiming that because the body camera videos are
6 purportedly “part of an ongoing investigation” they are “considered evidence in the
7 investigation and cannot be released as a public record.” *Id.*

8 26. In its response to the CNN Request, Metro did not cite to any authority for its
9 refusal. *Id.*

10 27. On October 10, 2017, Petitioner Los Angeles Times sent Metro a request pursuant
11 to the NPRA (the “Los Angeles Times Request”). Exhibit 4, MEDIA006.

12 28. The Los Angeles Times Request sought audio recordings of all 911 calls received
13 on October 1, 2017, relating to the “shooting at the Harvest Music Festival from the Mandalay
14 Bay on Oct 1, 2017 at or around 10 pm.” *Id.*

15 29. As of the date of this filing, Metro has not responded to the Los Angeles Times
16 Request.

17 30. On October 12, 2017, Petitioner AP sent Metro a request pursuant to the NPRA
18 (the “AP First Request”). Exhibit 5, MEDIA007-8.

19 31. The AP First Request sought “any and all 911 emergency call dispatch recordings
20 relating to the shooting beginning about 10 p.m. Sunday, Oct. 1, 2017, from the Mandalay Bay
21 resort into the Route 91 Harvest Festival concert venue and at aviation fuel tanks at McCarran
22 International airport.” *Id.*

23 32. Metro responded to AP on October 18, 2017. Metro refused to provide any of the
24 records sought in the AP First Request, stating that “records relating to LVMPD Event No.
25 171001-3519 are part of an open investigation. At this time any records responsive to your
26 request is [sic] confidential and privileged pending the outcome of the investigation. *See,*
27 *Donrey v. Bradshaw*, 106 Nev. 360, 798 P.2d 144 (1990). Until the case is closed, the
28 investigatory information you have requested cannot be provided.” *Id.*

1 pursuant to this section *is a public record* which may be:

- 2 (a) Requested only on a per incident basis; and
3 (b) Available for inspection only at the location where the
4 record is held if the record contains confidential
5 information that may not otherwise be redacted.

6 *See also* Metro Form LVMPD 556 (entitled “Body-Worn Camera Video Public Records
7 Request, Pursuant to NRS 239”), [https://www.lvmpd.com/en-us/Documents/
8 LVMPD556_BWC_10-15v2_07-2017.pdf](https://www.lvmpd.com/en-us/Documents/LVMPD556_BWC_10-15v2_07-2017.pdf).

9 41. Similarly, all recordings of phone calls received by Metro through its 911 call
10 center are “public records” as defined by the NPRA. *See* Nev. Rev. Stat. § 239.010(1). *See*
11 *also* Sparks, Nev. City Atty. Opinion Mem., *Status of Records of 911 Calls to Dispatch and*
12 *Dispatch Logs as “Public Records”* (Apr. 2, 2008) (concluding that “unless an exception . . .
13 exists, a copy of a 911 dispatch call must be made available to a person making a proper (i.e.,
14 written) request.”), <http://cityofsparks.us/wp-content/uploads/2016/12/atty-opinion-2008-7.pdf>.

15 ***Metro’s Failure To Adequately Assert Claims Of Confidentiality***

16 42. The NPRA provides that a governmental entity must provide specific notice
17 within five (5) business days of receiving a request if it is denying the request on the basis that
18 the documents sought are confidential:

19 [i]f the governmental entity must deny the person’s request because
20 the public book or record, or a part thereof, is confidential, [the
21 governmental entity will] provide to the person, in writing: (1) Notice
22 of that fact; and (2) A citation to the specific statute or other legal
23 authority that makes the public book or record, or a part thereof,
24 confidential.

25 Nev. Rev. Stat. § 239.0107(1)(d).

26 43. In accordance with the presumption of openness and “emphasis on disclosure,”
27 both the NPRA and the Nevada Supreme Court place a high burden on a governmental entity to
28 justify disclosure. First, the law requires that, if a governmental entity seeks to withhold or
redact a public record in its control, it must prove by a preponderance of the evidence that the
record or portion thereof is confidential. *See* Nev. Rev. Stat. § 239.0113; *see also Reno*

duties as a peace officer.” Nev. Rev. Stat. § 289.830(3)(b).

1 *Newspapers*, 127 Nev. at 882, 266 P.3d at 629; accord *Nev. Policy Research Inst., Inc. v. Clark*
2 *Cty. Sch. Dist.*, No. 64040, 2015 WL 3489473, at *2 (Nev. May 29, 2015) (unpublished).

3 Moreover, as a general matter, “[i]t is well settled that privileges, whether creatures of statute or
4 the common law, should be interpreted and applied narrowly.” *DR Partners*, 116 Nev. at 621, 6
5 P.3d at 468 (citing *Ashokan v. State Dep’t of Ins.*, 109 Nev. 662, 668, 856 P.2d 244, 247
6 (1993)). Especially in the public records context, any restriction on disclosure “must be
7 construed narrowly.” Nev. Rev. Stat. § 239.001(2)-(3).

8 44. Second, unless the privilege is absolute, the governmental entity bears the burden
9 of establishing that the interest in withholding documents outweighs the interest in disclosure
10 pursuant to the balancing test first articulated in *Donrey of Nevada v. Bradshaw*, 106 Nev. 630,
11 798 P.2d 144 (1990). See *DR Partners*, 116 Nev. at 621, 6 P.3d at 468 (“Unless a statute
12 provides an absolute privilege against disclosure, the burden of establishing the application of a
13 privilege based upon confidentiality can only be satisfied pursuant to a balancing of
14 interests[.]”); see also *Reno Newspapers*, 127 Nev. at 879, 266 P.3d at 627 (“when the requested
15 record is not explicitly made confidential by a statute, the balancing test set forth in *Bradshaw*
16 must be employed” and “any limitation on the general disclosure requirements of [Nev. Rev.
17 Stat.] § 239.010 must be based upon a balancing or ‘weighing’ of the interests of non-disclosure
18 against the general policy in favor of open government” (citation omitted)).

19 45. Further, in applying the *Donrey* balancing test, the burden remains squarely on the
20 agency:

21 In balancing the interests . . . , the scales must reflect the fundamental
22 right of a citizen to have access to the public records as contrasted with
23 the incidental right of the agency to be free from unreasonable
24 interference The citizen’s predominant interest may be expressed
in terms of the burden of proof which is applicable in this class of
cases; the burden is cast upon the agency to explain why the records
should not be furnished.

25 *DR Partners*, 116 Nev. at 621, 6 P.3d at 468 (quoting *MacEwan v. Holm*, 226 Or. 27, 359 P.2d
26 413, 421-22 (1961) and citing *Bradshaw*, 106 Nev. at 635-36, 798 P.2d at 147-48).

27 46. Here, Metro has not met its heavy burden. Indeed, Metro has not even attempted
28 to identify any reason – beyond its bald assertion that the documents sought are “part of an

1 ongoing investigation” – that would outweigh the public’s fundamental right of access to these
2 documents. The public’s right is particularly important here because Petitioners are seeking
3 access to the Records to report to the public on one of the most devastating events in Las Vegas
4 history.

5 47. Notwithstanding the frequent press conferences that Las Vegas and federal
6 authorities conducted in the immediate aftermath of the massacre, now, a full month later,
7 significant questions remain unanswered about the shooter’s actions and the response of public
8 agencies. *See, e.g.*, Tom Jackman, “Mandalay Bay says four armed officers were on the 32nd
9 floor as the Las Vegas shooter attacked. Should they have acted?,” Wash. Post (Nov. 1, 2017),
10 https://www.washingtonpost.com/news/true-crime/wp/2017/11/01/mandalay-bay-says-four-armed-officers-were-on-the-32nd-floor-as-the-las-vegas-shooter-attacked-should-they-have-acted/?utm_term=.e65b453caa78 (discussing myriad remaining questions regarding the timeline
11 of events and law enforcement’s response to the shooting).
12

13
14 48. Accordingly, Metro’s blanket refusal to produce any of the Records pursuant to
15 the Requests is improper, and all requested information and records should be produced without
16 redactions.

17 **CLAIM FOR RELIEF**

18 49. Petitioners re-allege and incorporate by reference each and every allegation
19 contained in Paragraphs 1-48 as if fully set forth herein.

20 50. Petitioners should be provided with the Records they have requested pursuant to
21 the NPRA.

22 51. The Records sought are subject to disclosure, and Respondent has not met its
23 burden of establishing otherwise.

24 52. A writ of mandamus is necessary to compel Respondent’s compliance with the
25 NPRA.

26 WHEREFORE, the Petitioners pray for the following relief:

27 1. That the Court resolve this matter on an expedited basis as mandated by Nev.
28 Rev. Stat. § 239.011;

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2. Injunctive relief ordering Metro to immediately make available complete copies of all Records requested without charging fees, other than permissible fees should the Petitioners request copies;

- 3. Declaratory relief;
- 4. Reasonable costs and attorney’s fees; and
- 5. Any further relief the Court deems appropriate.

DATED this 1st day of November, 2017.

Ballard Spahr LLP

By: /s/ Justin A. Shiroff
Joel E. Tasca, Esq.
Nevada Bar No. 14124
Justin A. Shiroff, Esq.
Nevada Bar No. 12869
100 North City Parkway, Suite 1750
Las Vegas, NV 89106-4617
Telephone: 702.471.7000
Facsimile: 702.471.7070

Attorneys for Petitioners

EXHIBIT 1

EXHIBIT 1

From: Tobin, Charles D. (DC)
Sent: Tuesday, October 24, 2017 4:49 PM
To: Zansberg, Steven D. (Denv)
Subject: Bodycams - ABC - this is the only format I have this in but should suffice

From: Richard Rundell [mailto:R8719R@LVMPD.COM]
Sent: Tuesday, October 03, 2017 3:38 PM
To: Margolin, Josh <Josh.Margolin@abc.com>
Subject: RE: Records request from ABC News

Good afternoon,

The body camera videos associated with your request are not eligible for release under the current Nevada Public Record laws. The recordings are considered part of an ongoing investigation. The recordings therefore are considered evidence in the investigation and cannot be released as a public record. Once the case has been completed, the videos will be eligible for release as public record. For your records, this incident took place under LVMPD event number LLV171001003519.

Thanks,

Officer Rich Rundell P#8719

Project Management and Video Bureau

Body Camera Detail

BWC Office: (702)828-1905

N.P.R.A. Dissemination: (702)828-8947

Fax: (702)828-2688

<image001.png>

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From: Margolin, Josh [mailto:Josh.Margolin@abc.com]
Sent: Monday, October 02, 2017 11:22 AM
To: BWC Records Request; PIO

Cc: Margolin, Josh

Subject: Records request from ABC News

This is Josh Margolin from ABC News.

Pursuant to all laws and practices in the state of Nevada and your jurisdiction, please accept this as a formal request for all body-cam, dashcam, CCTV video (publicly owned and privately owned), as well as any other types of recordings connected with the active shooter/mass casualty event on Oct. 1, 2017. Also, ABC News requests all police radio traffic, and all police reports connected with the incident.

ABC News asks respectfully that this request be expedited in light of the incredible global interest in this story. ABC News agrees in advance to pay for all duplication costs. ABC News requests that this material be transmitted electronically.

Should you have any questions, please do not hesitate to contact me at 646-484-0469 or josh.margolin@abc.com.

Thank you for your assistance with this urgent matter.

<image002.png> **Josh Margolin · Senior Investigative Reporter**

47 West 66th Street / New York, New York / 10023

Office: 212.456.3673 / Cell: 646.484.0469 / Twitter: @JoshMargolin

EXHIBIT 2

EXHIBIT 2

From: [PIO](#)
To: [Margolin, Josh](#)
Subject: RE: IMPORTANT: Mandalay Bay shooting - ABC News request
Date: Wednesday, October 18, 2017 7:22:47 PM

Josh,

Please be advised that records relating to LVMPD Event No. 171001-3519 are part of an open investigation. At this time any records responsive to your request is confidential and privileged pending the outcome of the investigation. See, *Donrey v. Bradshaw*, 106 Nev. 360, 798 P2d 144 (1990).

Until the case is closed, the investigatory information you have requested cannot be provided.

Office of Public Information
Las Vegas Metropolitan Police Department
400-B South Martin L. King Boulevard, Las Vegas, Nevada 89106
4 702.828.4082 office| 702.828.1550 fax
Follow us on Facebook, Twitter and Instagram
AO

-----Original Message-----

From: Margolin, Josh [<mailto:Josh.Margolin@abc.com>]
Sent: Wednesday, October 11, 2017 8:13 AM
To: PIO <PIO@LVMPD.COM>
Cc: Margolin, Josh <Josh.Margolin@abc.com>
Subject: IMPORTANT: Mandalay Bay shooting - ABC News request

Please advise if this request has been received and when we could expect to receive the records.

Thanks you.

> On Oct 4, 2017, at 9:01 AM, Margolin, Josh <Josh.Margolin@abc.com> wrote:
>
> ABC News requests copies of all 911 audio connected with the Oct. 1 shooting incident at Mandalay Bay.
>
> We agree to pay all fees. My contact info is 646-484-0469; josh.margolin@abc.com.
>
> Please forward this request, if necessary.
>
> Thank you,
> Josh Margolin
> ABC News

MEDIA003

EXHIBIT 3

EXHIBIT 3

From: Richard Rundell [mailto:R8719R@LVMPD.COM]
Sent: Tuesday, October 03, 2017 3:39 PM
To: Burnside, Tina <Tina.Burnside@turner.com>; PIO <PIO@LVMPD.COM>
Cc: Shenkman, Drew <Drew.Shenkman@turner.com>
Subject: RE: URGENT - CNN Public Records Request

Good afternoon,

The body camera videos associated with your request are not eligible for release under the current Nevada Public Record laws. The recordings are considered part of an ongoing investigation. The recordings therefore are considered evidence in the investigation and cannot be released as a public record. Once the case has been completed, the videos will be eligible for release as public record. For your records, this incident took place under LVMPD event number LLV171001003519.

Thanks,

Officer Rich Rundell P#8719
Project Management and Video Bureau
Body Camera Detail
BWC Office: (702)828-1905
N.P.R.A. Dissemination: (702)828-8947
Fax: (702)828-2688

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From: Burnside, Tina [mailto:Tina.Burnside@turner.com]
Sent: Tuesday, October 03, 2017 5:53 AM
To: BWC Records Request; PIO
Cc: Shenkman, Drew
Subject: URGENT - CNN Public Records Request

October 2, 2017
Las Vegas Metropolitan Police Headquarters
400 South Martin Luther King Boulevard
Building C
Las Vegas, NV 89106

City of Las Vegas Open Records Request – Las Vegas Strip Shooting

To Whom It May Concern,

Pursuant to the Nevada Public Records Act NRS 239.001, Cable News Network (CNN) is requesting access to all copies of records pertaining to Stephen Paddock, the suspect in the Las Vegas Shooting, specifically including but not limited to 911 dispatch calls, evidence logs, hotel surveillance video, police body cam footage, interview reports, and anything related to this shooting investigation.

CNN agrees to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$500. Please notify me prior to your incurring any expenses in excess of that amount.

If CNN's request is denied in whole or part, we ask that you justify all deletions by reference to the specific exemptions of the Act. CNN will also expect you to release all segregable portions of otherwise exempt material. CNN reserves the right to appeal your decision to withhold any information.

I would appreciate your communicating with me by telephone 404 827 1511 rather than by mail, if you have questions regarding this request. As I have made this request in the capacity as a journalist and this information is of timely value, I would appreciate your expediting the consideration of this request in every way possible. In any event, the Act requires that you "promptly produce" the requested records unless, within 10 days, you have sought an Attorney General's Opinion.

Thank you for your assistance.

Sincerely,

Tina Burnside
News Editor
CNN National Content Center
404-827-1511

EXHIBIT 4

EXHIBIT 4

-----Original Message-----

From: Montero, David

Sent: Tuesday, October 10, 2017 9:37 AM

To: DKulin@ClarkCountyNV.gov

Cc: L6428M@LVMPD.COM

Subject: Public records request

Hello, it's David Montero at the Los Angeles Times. I'm sending this as a formal public records request for the 911 recordings related to the shooting at the Harvest Music Festival from the Mandalay Bay on Oct 1, 2017 at or around 10 pm.

I can be reached at:

213-268-4659

David.Montero@latimes.com

Regards,

David

Sent from my iPhone

EXHIBIT 5

EXHIBIT 5

From: PIO [<mailto:PIO@LVMPD.COM>]
Sent: Wednesday, October 18, 2017 4:32 PM
To: Ritter, Ken <kritter@ap.org>
Subject: RE: AP seeks 911 recordings of Oct 1 2017 shooting.

Ken,

Please be advised that records relating to LVMPD Event No. 171001-3519 are part of an open investigation. At this time any records responsive to your request is confidential and privileged pending the outcome of the investigation. See, *Donrey v. Bradshaw*, 106 Nev. 360, 798 P2d 144 (1990).

Until the case is closed, the investigatory information you have requested cannot be provided.

Office of Public Information
Las Vegas Metropolitan Police Department
400-B South Martin L. King Boulevard, Las Vegas, Nevada 89106
4 702.828.4082 office | 702.828.1550 fax
Follow us on Facebook, Twitter and Instagram
AO

From: Ritter, Ken [<mailto:kritter@ap.org>]
Sent: Thursday, October 12, 2017 2:46 PM
To: PIO <PIO@LVMPD.COM>
Cc: Carla Alston <C8004A@LVMPD.COM>; Jeffrey Clark Sgt <J8749C@LVMPD.COM>; Lawrence Hadfield <L7171H@LVMPD.COM>; Laura Meltzer <L6428M@LVMPD.COM>; Aden Ocampo-Gomez <A13653O@LVMPD.COM>; Jacinto Rivera <J4417R@LVMPD.COM>
Subject: AP seeks 911 recordings of Oct 1 2017 shooting.

Carla Alston
Public Information Director
Las Vegas Metropolitan Police Department
400 S Martin L King Blvd.
Las Vegas, NV 89106

This is a request for information under requirements of Nevada Revised Statutes Chapter 239, Nevada's public records law.

>> The Associated Press requests any and all 911 emergency call dispatch recordings relating to the shooting beginning about 10 p.m. Sunday, Oct. 1, 2017, from the Mandalay Bay resort into the Route 91 Harvest Festival concert venue and at aviation fuel tanks at McCarran International airport.

We understand under NRS 239.0113 that you have the burden of proof if the record or any part thereof is deemed confidential.

We are willing to pay reasonable search and copying expenses not to exceed the actual cost of complying with this request, under NRS 239.052. If you expect the cost to exceed \$50, please contact me by telephone and e-mail.

If you need further explanation of the nature or scope of this request, please contact me immediately.

As per NRS 239.010, in the event the requested documents are not disclosable in their entirety, please release all segregable nonexempt portions and all parts that can be rendered disclosable by redaction.

For each withheld portion of the documents, please specify the legal and factual basis for withholding the information.

We appreciate your cooperation and seek a prompt response.

Ken Ritter
Associated Press
300 S. 4th St., Suite 810
Las Vegas, NV 89101
702-382-7440
cell: 702-285-9479
kritter@ap.org

12 October 2017

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EXHIBIT 6

EXHIBIT 6

LVMPD STAFF USE ONLY

Assigned To	Receipt of Request (Date)	Acknowledgement or Follow-up Contact (Date)
Inspection Appointment (Date:	Cost Estimate (Amount)	
Request Status <i>(Check one)</i> Authorization to Proceed Request Withdrawn Record Confidential by Law	Customer Signature _____	
Payment Received (Amount)	Receipt Number	

DESCRIPTION OF RELEASED VIDEO

NOTES

Date Request Closed: _____ By: _____
Name and P#

Reviewed By: _____
Name and P#

EXHIBIT 7

EXHIBIT 7

Jennifer Medina
The New York Times
5900 Wilshire Boulevard
Suite 910
Los Angeles, CA 90036

October 16, 2017

Carla Alston
Director of Office of Public Information
Las Vegas Metropolitan Police Department

Dear Ms. Alston,

Under the Nevada Open Records Act § 239 et seq., I am requesting an opportunity to inspect or obtain copies of public records that include information about emergency response to the mass shooting in Las Vegas on October 1. This includes all records of phone calls to police, recordings of dispatch and body camera footage. We want to understand what happened when and how first responders dealt with what they knew at the time.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$30. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the mass shooting on October 1. This information is not being sought for commercial purposes.

If access to the records I am requesting will take longer than one week, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for your help with this request.

Sincerely,

Jennifer Medina
jemedina@nytimes.com
917.941.4845

MEDIA011