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Las Vegas Metropolitan Police Department v. Center for Investigative Reporting, Inc.

Supreme Court of Nevada - April 2, 2020 - P.3d - 2020 WL 1650320 - 136 Nev. Adv. Op. 15

Requester filed petition for writ of mandamus, seeking to inspect or obtain copies of all records related to rapper's murder within city police department's custody and control.

Before the scheduled hearing, police department and requester reached agreement, whereby police department would produce portions of its records, along with index identifying and describing any redacted or withheld records.

The District Court dismissed petition as moot, based on parties' agreement, concluded that requester had prevailed, for purposes of attorney fee award under Nevada Public Records Act (NPRA), and awarded requester attorney fees. Police department appealed.

The Supreme Court held that:

- Appellate court would apply catalyst theory to determine whether requesting party prevailed, for purposes of award of attorney fees and costs under NPRA, when parties reached agreement that afforded requesting party access to requested records before court entered judgment on merits, and
- As matter of first impression, requester was "prevailing party" and, thus, was entitled to reasonable attorney fees and costs under NPRA, when parties reached agreement that afforded requester access to requested records before court entered judgment on merits.