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 MARC J. RANDAZZA, JENNIFER RANDAZZA, and NATALIA RANDAZZA

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARC J. RANDAZZA, an individual,)	Case No. 2:12-cv-02040
JENNIFER RANDAZZA, an individual, and)	
NATALIA RANDAZZA, a minor,)	PLAINTIFFS' RESPONSE IN
)	OPPOSITION TO DEFENDANT
Plaintiffs,)	CRYSTAL COX'S MOTION
)	REQUESTING PRESERVATION OF
vs.)	EVIDENCE
)	
CRYSTAL COX, an individual, and ELIOT)	
BERNSTEIN, an individual,)	
)	
Defendants.)	

Plaintiffs Marc J. Randazza, Jennifer Randazza, and Natalia Randazza, through counsel, hereby submit this response in opposition to Defendant Crystal Cox's Motion Requesting Preservation of Evidence.

I. Defendant Cox's request is unnecessary, as Plaintiffs have not asked the Court to enjoin Cox from posting on all of her domain names.

In their Complaint and Motion for Preliminary Injunction (ECF #1 and 2), Plaintiffs asked only that this Court enjoin Cox from operating any websites using Plaintiffs' personal names. In her Motion Requesting Preservation of Evidence (ECF #21), Cox asks that the Court "print all pages of all blogs listed," which includes a fifteen-page list of websites Cox claims to operate. Most of the domains are not subject to this lawsuit, and therefore, the content of those blogs would not be affected by this litigation. Therefore, Cox's request as to those websites is likely moot.

1 **II. Because Defendant Cox fails to present “a specific showing of need,” she is not**
 2 **entitled to free copies from the Court.**

3 While Nevada courts have not specifically addressed whether a court should print copies of
 4 documents that are not those filed with the court, the U.S. District Court of the District of Nevada
 5 recently denied a pro se litigant’s request for an increase in the amount of free copy work the Court
 6 would provide to him because he failed to demonstrate a specific need. *Roberts v. Cox*, 2012 WL
 7 1328747, Case No. 2:09-cv-02382 (D. Nev. April 17, 2012). In denying the motion, the Court
 8 cited to several other circuit decisions that held plaintiffs proceeding *in forma pauperis* to receive
 9 free copies of documents from the court without demonstrating a specific showing of need. *Id.* at
 10 *2, citing *Collins v. Goord*, 438 F. Supp. 2d 399 (S.D.N.Y. 2006); *Guinn v. Hoecker*, 43 F. 3d 1483
 11 (10th Cir. 1994) (no right to free copy of any document in record unless plaintiff demonstrates
 12 specific need); *In re Richard*, 914 F. 2d 1526 (6th Cir. 1994) (no free copy of court orders).
 13 Furthermore, “[a] denial of free photocopying does not amount to the denial of access to the
 14 courts.” *Id.*, quoting *Sands v. Lewis*, 886 F.2d 1166, 1169 (9th Cir. 1989). The statute allowing
 15 litigants to proceed *in forma pauperis*, 28 U.S.C. § 1915, does not also provide litigants with the
 16 right to obtain court documents without payment. *Id.*

17 Cox has failed to demonstrate a specific need for the court to provide her with printed
 18 copies of all of the blog posts from the hundreds of requested websites. Defendant Cox does not
 19 allege any financial need, but states only that the Court should print the pages of the blogs “in order
 20 to preserve evidence, the record and safeguard the public at large.” (ECF # 21 at 1). Furthermore,
 21 the documents are not even those that have been filed with the court, but are Cox’s personal
 22 domain names.

23 If Cox desires to print copies of her websites, she has already demonstrated that she is
 24 capable of both printing copies of pages and of creating Portable Document Files (PDFs) of her
 25 blogs. Because Cox has failed to demonstrate a specific need as to why this Court should print out
 26 copies of several hundred of her blog postings, Cox’s Motion should be denied.

III. Conclusion

The majority of the websites listed on Cox's Motion Requesting Preservation of Evidence will not be affected by the pending litigation. Furthermore, Cox has not demonstrated a specific need asserting why this Court should print out copies of the listed blogs. For these and the foregoing reasons, Plaintiffs respectfully request that Defendant Cox's Motion Requesting Preservation of Evidence be denied.

Dated: January 17, 2013

Respectfully submitted,

/s/Ronald D. Green

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CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure 5(b), I hereby certify that the foregoing document was filed using this Court's CM/ECF system on January 17, 2013.

Dated: January 17, 2013

Respectfully Submitted,



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