

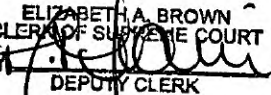
IN THE SUPREME COURT OF THE STATE OF NEVADA

PIERRE A. HASCHEFF,
Appellant/Cross-Respondent,
vs.
LYNDA HASCHEFF,
Respondent/Cross-Appellant.

No. 86976

FILED

JAN 12 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER REGARDING MOTIONS

Appellant/cross-respondent (appellant) has filed a motion to take judicial notice of several documents which were not filed in the district court and which appellant included in the appendix prior to obtaining leave of this court. Respondent/cross-appellant (respondent) opposes the motion and moves to strike the appendix and the opening brief and impose sanctions on appellant for the improper inclusion of documents in the appendix. Appellant has replied.

Initially, appellant's assertion that the documents he seeks judicial notice of were properly included in the appendix without prior leave of this court lacks merit. As appellant appears to concede, the documents were not part of the record on appeal. See NRAP 10(a) and (b)(1) (together indicating that the record on appeal consists of the papers and exhibits filed in the district court, transcripts, and the district court docket entries and minutes). All documents in the appendix must bear the district court file-stamp, demonstrating that they were filed in the district court and are part of the record on appeal. See NRAP 30(c)(1).

Regarding the merits of the motion, this court is not convinced that judicial notice is appropriate. This court's review on appeal is limited to matters contained within the record on appeal. *Mack v. Est. of Mack*, 125

Nev. 80, 91, 206 P.3d 98, 106 (2009); *Carson Ready Mix, Inc. v. First Nat'l Bank of Nev.*, 97 Nev. 474, 476, 635 P.2d 276, 277 (1981). This court will not generally take judicial notice of records in other cases, even if the cases are connected. *Mack*, 125 Nev. at 91, 206 P.3d at 106. Although this court will take judicial notice if a valid reason is presented, *id.* at 91, 206 P.3d at 92, appellant does not demonstrate a valid reason here. Accordingly, the motion is denied.

Respondent's motion to strike the opening brief and appendix is granted to the following extent. The clerk shall strike the opening brief and appendix filed on November 16, 2023. This court declines to impose sanctions on appellant at this time. Appellant shall have 14 days from the date of this order to file and serve (1) an amended appendix that does not include any documents that are not part of the record on appeal and (2) an amended opening brief that does not cite to any such documents. Failure to timely comply with this order may result in the imposition of sanctions, including the dismissal of appellant's appeal. *See* NRAP 31(d).

Appellant has also filed a motion for leave to file documents regarding billing invoices under seal.¹ Appellant has not provided this court with copies of the documents he wishes to file under seal. Accordingly, the motion is denied without prejudice. Appellant may file a renewed motion within 7 days of the date of this order, if deemed warranted. Any renewed motion must have copies of the documents appellant wishes to file under seal attached. The motion and attached documents may be transmitted to

¹Appellant's motion additionally requests leave to file a complaint under seal. Confusingly, he then states in his reply that his motion does not request leave to file a complaint under seal. Given appellant's apparent retraction of the request to file the complaint under seal, this court takes no action on that portion of the motion.

this court via mail. The documents will be kept confidential pending resolution of the motion. SRCR 3(2).

This court notes that appellant's motion requests the sealing of certain documents that appear to have been filed on the public docket in the district court and are included in the appendix appellant filed on this court's public docket. Moreover, notations included in the appendix indicate that appellant seeks to seal fewer pages than requested in the motion. Appellant should ensure that any renewed motion to seal is consistent with any notations regarding sealed documents in the amended appendix.

It is so ORDERED.

 _____, C.J.

cc: Fennemore Craig P.C./Reno
Leonard Law, PC
Woodburn & Wedge