

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISH NETWORK
DERIVATIVE LITIGATION.

No. 69012

JACKSONVILLE POLICE AND FIRE
PENSION FUND,

Appellant,

vs.

GEORGE R. BROKAW; CHARLES M.
LILLIS; TOM A. ORTOLF; CHARLES
W. ERGEN; CANTEY M. ERGEN;
JAMES DEFRANCO; DAVID K.
MOSKOWITZ; CARL E. VOGEL;
THOMAS A. CULLEN; KYLE J. KISER;
AND R. STANTON DODGE,

Respondents.

FILED

AUG 17 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

IN THE MATTER OF DISH NETWORK
DERIVATIVE LITIGATION.

No. 69729

JACKSONVILLE POLICE AND FIRE
PENSION FUND,

Appellant,

vs.

GEORGE R. BROKAW; CHARLES M.
LILLIS; TOM A. ORTOLF; CHARLES
W. ERGEN; CANTEY M. ERGEN;
JAMES DEFRANCO; DAVID K.
MOSKOWITZ; CARL E. VOGEL;
THOMAS A. CULLEN; KYLE J. KISER;
AND R. STANTON DODGE,

Respondents.

ORDER

Appellant has filed a motion to redact portions of its opening brief and to file documents in its appendix under seal. The Special Litigation Committee of DISH Network Corporation (SLC) has filed a limited opposition and countermotion for leave to make additional

redactions.¹ The parties agree that the documents and portions of the opening brief identified by appellant should remain sealed pursuant to Protective Orders entered by the district court. The SLC, however, contends that additional information on page 74 of the opening brief is also subject to the protective order and should be redacted. SLC also agrees to appellant's motion that referenced documents at pages JA007346-47, JA007356-57 and JA007468 of Volume 30; pages JA007502 and JA7535-43 of Volume 31, pages JA007769-72 of Volume 32 and page JA008245 of Volume 34 of the sealed portions of the Joint Appendix may be unsealed and disclosed publicly. Accordingly, the clerk of this court shall unseal the identified portions of the joint appendix, filed as "Appendix to Opening Brief." However, with respect to the referenced documents at pages JA007348-55 of Volume 30 of the sealed portions of the Joint Appendix, we agree with SLC that the personal contact information of third parties contained therein (including personal email addresses) shall remain redacted pursuant to the District Court's October 21, 2013, Stipulated Confidentiality Agreement and Protective Order and August 21, 2015, Minute Order. Cause appearing, we grant the motions. The clerk of this court shall file the redacted opening brief provisionally received on May 31, 2016, and shall file under seal the unredacted opening brief and sealed portions of the appendix to the opening brief, provisionally received in this court on May 27, 2016.

¹We direct the clerk of this court to file SCL's "limited Opposition to Appellant's Motion for Leave to Redact Portions of Appellant's Opening Brief and to Seal Portions of the Appendix and Countermotion for Leave to Make Additional Redactions" with "Sealed Exhibit C," provisionally received on June 10, 2016.

The parties have filed a stipulation to extend the time for SLC to file its answering brief and for Jacksonville to file its reply brief. The stipulation is approved. SLC has also filed a motion for leave to file an answering brief in excess of the page and type-volume limitations of NRAP 32, and a motion for leave to file a redacted version of its answering brief and to file Volume II of the answering appendix under seal pursuant to a district court order sealing the documents contained in the appendix. The motions are not opposed. Having considered the motions, we grant them. The clerk of this court shall file SLC's redacted answering brief and appendix Volume I, provisionally received on July 28, 2016, and the sealed copies of the answering brief and Volume II of the appendix received on August 2, 2016. Pursuant to the parties' stipulation, appellant Jacksonville Police & Fire Pension Fund's reply brief shall be due September 26, 2016. Failure to timely file the reply brief may be deemed a waiver of the right to file a reply brief.

It is so ORDERED.

1. J. J. J., A.C.J.

cc: Bernstein Litowitz Berger & Grossman, LLP
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