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Attorney for Appellant

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Tracie K. Lindeman
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN DOE, on his own behalf and on
behalf of a class of those similarly situated;

Appellant,

vs.

**STATE OF NEVADA ex rel. THE
LEGISLATURE OF THE 77th
SESSION OF THE STATE OF
NEVADA; STATE OF NEVADA
DEPARTMENT OF HEALTH AND
HUMAN SERVICES; THE
HONORABLE BRIAN SANDOVAL**, in
his official capacity as Governor of the
State of Nevada; DOES 1-100, inclusive;
and ROE CORPORATIONS 1-100,
inclusive;

Respondents.

Case No.: **69801**

**MOTION FOR LEAVE TO
FILE RULE 26.1
DISCLOSURES
UNDER SEAL**


COMES NOW, Appellant, JOHN DOE, by and through his attorney of
record, Jacob L. Hafter, Esq. of the firm HAFTERLAW, and hereby files this
**MOTION FOR LEAVE TO FILE RULE 26.1 DISCLOSURES UNDER
SEAL**. This Motion is made and based upon SRCR Rule 3, N.R.A.P. § 27, the

1 attached Memorandum of Points and Authorities, the pleadings and papers on file
2 herein, and any other argument this Court may allow.

3 Dated this 24th day of May, 2016.

4 **HAFTERLAW**

5 By:


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1 I.
2 INTRODUCTION

3 The Nevada Supreme Court Rules Governing Sealing and Redacting Court
4 Records (“SRCR”) provide that “[a]ny person may request that the court seal or
5 redact court records for a case that is subject to these rules by filing a written
6 motion....” SRCR 3(1). A court may order court files and records to be sealed if it
7 finds that “specific sealing or redaction is justified by identified compelling privacy
8 or safety interests that outweigh the public interest in access to the court record.”
9 SRCR 3(4). Medical records are enumerated as one of the instances in which sealing
10 records is warranted. SRCR 3(4)(h). Additionally, a catch-all provision is included
11 and warrants sealing for “another identified compelling circumstance.” SRCR
12 3(4)(f).

13 Nevada Rule of Appellate Procedure 26.1 states:

14 Every attorney for a nongovernmental party or amicus
15 curiae to a proceeding in the Supreme Court of Nevada
16 must file a statement identifying all its parent corporations
17 and listing any publicly held company that owns 10% or
18 more of the party’s stock or states that there is no such
19 corporation. The statement must also disclose the names
20 of all law firms whose partners or associates have
21 appeared for the party or amicus in the case (including
22 proceedings in the district court or before an
23 administrative agency) or are expected to appear in this
24 court. **If any litigant is using a pseudonym, the statement
must disclose the litigant’s true name. A disclosure
required by the preceding sentence will be kept under
seal.**

25 **(Emphasis added).**

26 In this case, the Appellant has assumed the use of the alias JOHN DOE. The
27 alias has been used because the Appellant, by filing this case, is admitting to have



1 a medical marijuana card, something that can have adverse and detrimental impact
2 on his career, as well as his liberties, as use of such is prohibited by federal law.

3 Accordingly, Appellant respectfully requests this Court to grant leave to file
4 his Rule 26.1 Disclosures under seal.

5 Dated this 24th day of May, 2016.

6 **HAFTERLAW**

7 By: _____

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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of HAFTERLAW, and that
3 on this 24th day of May, 2016, I served a copy of the **APPELLANT'S MOTION**
4 **FOR LEAVE TO FILE RULE 26.1 DISCLOSURES UNDER SEAL** as
follows:



U.S. Mail—By depositing a true copy thereof in the U.S. mail, first
class postage prepaid and addressed as listed below; and/or



7 Electronic Service – By filing such with the Court's electronic court
filing system and requesting service there through;

8 Facsimile—By facsimile transmission pursuant to EDCR 7.26 to the
9 facsimile number(s) shown below and in the confirmation sheet filed
herewith. Consent to service under NRCP 5(b)(2)(D) shall be assumed
10 unless an objection to service by facsimile transmission is made in writing
and sent to the sender via facsimile within 24 hours of receipt of this
Certificate of Service; and/or

11 **Kevin C. Powers, Esq.**

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Attorneys for Respondents:

Department of Health and

Human Services State of Nevada

and Governor Sandoval

15 **Honorable Rob Bare**

Eighth Judicial District Court

17 /s/ Kelli N. Wightman

18 An Employee of the HAFTERLAW