

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

\* \* \*

IN THE MATTER OF: THE W.N.  
CONNELL AND MARJORIE T.  
CONNELL LIVING TRUST, DATED  
MAY 18, 1972,

JACQUELINE M. MONTOYA; AND  
KATHRYN A. BOUVIER,

Appellants,

vs.

ELEANOR C. AHERN A/K/A  
ELEANOR CONNELL HARTMAN  
AHERN,

Respondent.

Electronically Filed  
Supreme Court No.: 71577  
Aug 07 2017 08:28 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court  
District Court Case No.:  
P-09-066425-T

Appeal from the Eighth Judicial  
District Court, The Honorable Gloria  
Sturman Presiding

**MOTION FOR LEAVE TO FILE SUPPLEMENT**  
**TO JOINT APPENDIX UNDER SEAL**

BROWNSTEIN HYATT FARBER SCHRECK, LLP

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Respondent Eleanor Connell Hartman Ahern, by and through her counsel of record Kirk B. Lenhard, Esq., of the law firm Brownstein Hyatt Farber Schreck, LLP (“Respondent” or “Ms. Ahern”), hereby moves this Honorable Court for leave to file her Supplement to Joint Appendix under seal in the above-captioned appeal.

## **I. RELEVANT LAW**

Pursuant to Rule 3 of the Rules Governing Sealing and Redacting Court Records,

Any person may request that the court seal or redact court records for a case that is subject to these rules by filing a written motion, or the court may, upon its own motion, initiate proceedings to seal or redact a court record. A motion to seal or redact a court record must disclose, in its title and document code, that sealing or redaction is being sought. The motion must be served on all parties to the action in accordance with [NRCp 5](#).

*See* SRCR 3. Further, under Rule 7, "Court records sealed in the trial court shall be sealed from public access in the Nevada Supreme Court subject to further order of that court." *See* SRCR 7.

## **II. DISCUSSION**

As the Respondent's Trial Memorandum was submitted in advance of the Evidentiary Hearing that is at the heart of this appeal, Respondent desires to supplement the record with this document. (*See* SEALED Supplement to Joint Appendix Volume 1 of 1, Exhibit 1.) The Trial Memorandum, however, was

filed under seal in the District Court because it includes as an Exhibit the Interim Trustee Report, which was originally submitted under seal pursuant to a Court Order dated February 11, 2015. (*See id.* at AR0076-88.) As such, under SRCR 7, the Trial Memorandum "shall be sealed from public access in the Nevada Supreme Court subject to further order of that court." *See* SRCR 7. Further, after consultation with counsel, the parties who sought to seal the document in the District Court still desire that it remain sealed.

Therefore, Respondent seeks leave under SRCR 3(1) to file the Supplement to the Joint Appendix (Ex. 1) under SEAL.

### **III. CONCLUSION**

Based on the foregoing, Respondent respectfully requests leave under SRCR 3(1) to file the Supplement to the Joint Appendix (Ex. 1) under SEAL.

DATED this 4<sup>th</sup> day of August, 2017.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

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## **CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed and served the foregoing **MOTION FOR LEAVE TO FILE SUPPLEMENT TO JOINT APPENDIX UNDER SEAL** with the Clerk of the Court of the Supreme Court of Nevada by using the Court's Electronic Filing System on August 4, 2017 upon the following:

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I hereby certify that on August 4, 2017, I served a copy of this document by mailing a true and correct copy, postage prepaid, via U.S. Mail, addressed to the following:

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/s/ Paula Kay  
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# **EXHIBIT 1**

## **SUPPLEMENT TO JOINT APPENDIX**

**[TO BE MAILED TO THE SUPREME  
COURT AUGUST 4, 2017  
FOR FILING UNDER SEAL]**