

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

CLARK COUNTY SCHOOL  
DISTRICT,

Appellant,

vs.

LAS VEGAS REVIEW-JOURNAL,

Respondent.

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Elizabeth A. Brown  
Clerk of Supreme Court

CASE NO.: 73525

DISTRICT COURT CASE NO.:  
A750151

**RESPONDENT'S RESPONSE TO APPELLANT'S MOTION TO FILE  
ERRATA TO APPELLANT'S OPENING BRIEF**

Respondent Las Vegas Review-Journal (the "Review-Journal"), by and through its counsel, Margaret A. McLetchie and Alina M. Shell, hereby responds to Appellant Clark County School District's ("CCSD") Motion to File Errata To Appellant's Opening Brief.

Margaret A. McLetchie, Nevada Bar No. 10931  
Alina M. Shell, Nevada Bar No. 11711  
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*Counsel for Respondent, Las Vegas Review-Journal*

## **MEMORANDUM OF POINTS AND AUTHORITIES**

On February 7, CCSD filed a motion to file an errata to their Opening Brief (the “Motion”). Although CCSD moves to submit an errata, they do so too late. By the time CCSD filed its proposed errata, the Review-Journal had already submitted its Answering Brief. The rules are in place for a reason—to “secure the proper and efficient administration of the business and affairs of the courts and to promote and facilitate the administration of justice by the courts.” NRAP 1(c). The citation standards embodied in NRAP 28 exist so that counsel (and this Court) can focus on responding to arguments and avoid wasting time having to guess at which facts underlie those arguments.

Furthermore, the errata does not do enough to correct two portions of the brief that rely on unsupported factual allegations, specifically, the portion of the Opening Brief at pages 5-7 which includes unsupported descriptions of the withheld records at issue, and pages 46-48, which rely on the unsupported descriptions of the withheld documents to argue for broad redaction. Even though CCSD, in its motion to submit an errata, claims that it added citations to these sections (Motion, pp. 2:23-3:10) these citations are insufficient.

The citations on pages 5-7 are insufficient because the privilege log cited to in the Appendix still does not contain the facts asserted. Specifically, the privilege log in the Appendix does not contain how many people each of these documents are

identified by name or how many of these names would be redacted under the terms of the district court Order. However, the brief does. (*see, generally*, Motion, Exh. 1, pp. 5-6) (repeatedly noting the number of people identified by name and number of those names subject to redaction). Although the CCSD also tags on citations to the Withheld Records, this does not suffice.<sup>1</sup> The citations on pages 46 and 47 are insufficient for identical reasons.

Finally, although CCSD claims otherwise (Motion, p. 3:12-13), waiting until this late date to file an errata has caused prejudice to the Review-Journal by diminishing the Review-Journal's ability to meaningfully respond to CCSD's arguments in its Answering Brief. These issues are also detailed in the Review-Journal's Motion to Strike.

For these reasons, CCSD's motion to file an errata should be denied, and the Review-Journal's Motion to Strike should be granted.

DATED this 14<sup>th</sup> day of February, 2018.

/s/ Margaret A. McLetchie

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<sup>1</sup> While these Withheld Records are available for in camera review by the Nevada Supreme Court (Motion, p. 4, n. 3) it is prejudicial to force the Review-Journal to do such a review to verify CCSD's factual assertions.

## **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing RESPONDENT'S RESPONSE TO APPELLANT'S MOTION TO FILE ERRATA APPELLANT'S OPENING BRIEF was filed electronically with the Nevada Supreme Court on the 14th day of February, 2018, Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

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