

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

2 CLARK COUNTY SCHOOL DISTRICT,

Supreme Court No. 73525

3 Appellant,

District Court Case No. 18-00115
Electronically Filed
Feb 21 2018 03:16 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

4 vs.

5 LAS VEGAS REVIEW-JOURNAL,

6 Respondent.
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10 **REPLY TO RESPONDENT’S RESPONSE TO APPELLANT’S**
11 **MOTION TO FILE ERRATA TO**
12 **APPELLANT’S OPENING BRIEF**

13 Appellant Clark County School District (“CCSD”), by its attorneys
14 CARLOS M. MCDADE, ESQ. and ADAM D. HONEY, ESQ., hereby reply
15 to Respondent Las Vegas Review-Journal’s (“LVRJ’s”) response to CCSD’s
16 motion to file errata to opening brief.
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18 **MEMORANDUM OF POINTS AND AUTHORITIES**

19 LVRJ’s Response to CCSD’s motion to file errata is without merit.
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21 First, LVRJ arguments the descriptions of the withheld documents are not
22 supported by the appendix is a false flag. LVRJ argues the privilege log
23 does not describe how many people in each of the withheld documents
24 would be redacted under the terms of the district court order. LVRJ Reply at
25 p. 1-2. It would have been impossible for the descriptions to be part of the
26 privilege log as the descriptions are based on the effect of the order being
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1 appealed, which was filed *after* the privilege log was drafted and distributed
2 to the district court and LVRJ. The privilege log referenced by LVRJ is
3 dated May 30, 2017. Appellant's App. I 182-192. The district court order
4 appealed is dated July 11, 2017. Appellant's App. II 294. The descriptions
5 identify the number of complainants and witnesses who would lose
6 confidentiality and thereby be exposed to the possibility of retaliation if the
7 district court's order is upheld. App. Op. Br. at 5:14-7:3. CCSD could not
8 have known those effects prior to the district court's order of July 11, 2017,
9 and as such the descriptions could not have been included in the privilege
10 log or any other document prior to July 11, 2017.

14 Additionally, LVRJ claims their ability to meaningfully respond to
15 CCSD's opening brief has been diminished. LVRJ Reply at p. 2. LVRJ
16 provides no support to its allegation. The fact LVRJ's answering brief was
17 longer than CCSD's opening brief appears to demonstrate LVRJ had no
18 problem responding. Furthermore, LVRJ never indicated to this Court or
19 CCSD that they were having any alleged difficulties due to CCSD's citations
20 until seven days after filing its answering brief. If LVRJ was truly having
21 difficulty, one would think they would have raised the specter of the alleged
22 difficulties more timely. Finally, this is not a case that relies on a
23 voluminous or complex record. LVRJ's counsel has been involved in this
24 suit since its inception and is familiar with the procedural history and the
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1 record as a result. LVRJ's posturing should not sway this Court from
2 granting CCSD's motion to file an errata to the opening brief that will clean
3 up citations and allow this matter to be decided on its merits.
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6 DATED: February 20, 2018

7 /s/Adam Honey
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Las Vegas Review-Journal
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AN EMPLOYEE OF THE CLARK
COUNTY SCHOOL DISTRICT