

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAWRENCE and HEIDI CANARELLI,
and FRANK MARTIN, Special
Administrator of the Estate of Edward C.
Lubbers, Former Trustees,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT of the State of Nevada, in and
for the County of Clark; and THE
HONORABLE GLORIA STURMAN,
District Judge,

Respondent,

and

SCOTT CANARELLI, Beneficiary of
The Scott Lyle Graves Canarelli
Irrevocable Trust dated February 24,
1998,

Real Party in Interest.

Case No. 78883

District Court No. A-11079312019 11:45 a.m.

Electronically Filed
Elizabeth A. Brown
Clerk of Supreme Court

**MOTION FOR LEAVE TO FILE
VOLUMES 1, 2 AND 4 OF
PETITIONERS' APPENDIX UNDER
SEAL**

Volumes 1, 2 and 4 of Petitioner’s Appendix to the writ petition in the above-captioned matter contain documents that were submitted *in camera* and sealed in the district court. *See* Stipulation and Order to Seal Documents Previously Filed with the Court dated Sept. 26, 2018, a true and correct copy of which is attached hereto as Exhibit 1. Petitioners therefore move to seal these volumes to “further[] ... a protective order entered under NRCP 26(c).” SRCR 3(4)(b).

DATED this 3rd day of June, 2019.

CAMPBELL & WILLIAMS

By /s/ J. Colby Williams

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Administrator of the Estate of Edward
C. Lubbers, Former Trustees*

CERTIFICATE OF SERVICE

I certify that I am an employee of Campbell & Williams and that I did, on the 3rd day of June, 2019, submit the foregoing **Motion for Leave to File Volumes 1, 2 and 4 of Petitioners' Appendix Under Seal** for filing via the Court's eFlex electronic filing system. Electronic notification will be sent to:

SOLOMON DWIGGINS & FREER, LTD.

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Las Vegas, Nevada 89129

Attorneys for Scott Canarelli

I further certify that a copy of this document will be served by mail, postage prepaid, at Las Vegas Nevada, addressed to the above and as follows:

HONORABLE GLORIA STURMAN

Department XXVI

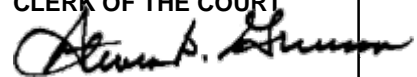
Eighth Judicial District Court

200 Lewis Avenue

Las Vegas, Nevada 89155

By: /s/ **John Y. Chong**
An Employee of Campbell & Williams

EXHIBIT “1”



1 **SAO**
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14 **DISTRICT COURT**
15 **CLARK COUNTY, NEVADA**

16 In the Matter of the

Case No.: P-13-078912-T
Dept. No.: XXVI/Probate

17 THE SCOTT LYLE GRAVES
18 CANARELLI IRREVOCABLE TRUST,
19 dated February 24, 1998.

20 **STIPULATION AND ORDER TO SEAL DOCUMENTS PREVIOUSLY FILED WITH**
21 **THE COURT**

22 Petitioner Scott Lyle Graves Canarelli ("Petitioner"), by and through his counsel, the law
23 firm of Solomon Dwiggins & Freer, Ltd. and Respondents Frank Martin, Special Administrator of
24 the Estate of Edward C. Lubbers, as former Family Trustee and/or the Independent Trustee of the
25 Scott Lyle Graves Canarelli Irrevocable Trust dated February 24, 1998 (the "Trust"), and Lawrence
26 Canarelli and Heidi Canarelli, Former Family Trustees of the Trust (collectively, "Respondents"),
27 by and through their counsel, the law firms of Campbell & Williams and Dickinson Wright PLLC
28 and hereby stipulate as follows:

1. Pursuant to Rules SRCR 3(4)(a) and (h) of the Nevada Rules for Sealing and
Redacting Court Records, Nevada permits the court to seal or redact when it "is permitted or
required by federal or state law," or when it is justified or required by another "compelling
circumstance."

2. On August 29, 2018, the Parties appeared before the Discovery Commissioner for a hearing on several matters including a motion to determine whether certain documents disclosed by Respondents (the "Disputed Documents") are protected by the attorney/client privilege or the work product doctrine and, therefore, may be clawed back by Respondents as they contend the Disputed Documents were inadvertently produced.

3. Prior to the filing of such motion, Petitioner referenced the Disputed Documents in certain filings before this Court, both directly in briefing and as exhibits.

4. During the August 20 hearing, the Discovery Commissioner ruled, in part, that some of the content contained within the Disputed Documents was not protected but nonetheless should be deemed confidential at this time.

5. As a matter of good faith and in order to comply with the Discovery Commissioner's confidential designation of the Disputed Documents, the Parties hereby request an order from this Court directing the Clerk to seal the following documents previously filed with this Court: (1) the Supplement to Petition to Surcharge Trustee and Former Trustees for Breach of Fiduciary Duties, Conspiracy and Aiding and Abetting; Petition for Breach of Fiduciary Duty for Failure to Properly Account; and Petition for an Award of Attorneys' Fees, Accountant Fees and Costs, filed May 18, 2018 ("Supplement to the Surcharge Petition"); (2) the Motion for Determination of Privilege Designation for RESP013284-RESP013288 and RESP78899-RESP78900, filed July 13, 2018 ("Motion for Determination"); (3) the Opposition to Motion to Dismiss Petitioner's Supplement to Petition to Surcharge Trustee and Former Trustees for Breach of Fiduciary Duties, Conspiracy and Aiding and Abetting; Petition for Breach of Fiduciary Duty for Failure to Properly Account; and Petition for an Award of Attorneys' Fees, Accountant Fees & Costs, filed July 31, 2018 ("Opposition to Motion to Dismiss"); and (4) the Reply to Opposition to Motion for Determination of Privilege Designation for RESP013284-RESP013288 and RESP78899-RESP78900; and Opposition to Countermotion for Remediation of Improperly Disclosed Attorney-client Privileged and Work Product Protected Materials, filed August 24, 2018 ("Reply to Motion for Determination") (collectively the "Filed Documents").

6. The Parties further agree that, after the Filed Documents are sealed, such

documents should be refiled with the redactions agreed to by the Parties.

DATED this 21 day of September, 2018.

DATED this 20th day of September,
2018.

By: 

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*Counsel for Respondents Lawrence and
Heidi Canarelli, and Frank Martin,
Special Administrator of the Estate of
Edward C. Lubbers*

ORDER

GOOD CAUSE BEING FOUND, IT IS HEREBY ORDERED that the Supplement to
the Surcharge Petition filed on May 18, 2018 shall be SEALED.

IT IS FURTHER HEREBY ORDERED that Petitioner shall file a redacted copy of the
Supplement to the Surcharge Petition, with redactions as agreed to by Respondents.

IT IS FURTHER HEREBY ORDERED that the Motion for Determination filed on July
13, 2018 shall be SEALED.

IT IS FURTHER HEREBY ORDERED that Petitioner shall file a redacted copy of the
Motion for Determination, with redactions as agreed to by Respondents.

IT IS FURTHER HEREBY ORDERED that the Opposition to Motion to Dismiss shall
be SEALED.

IT IS FURTHER HEREBY ORDERED that Petitioner shall file a redacted copy of the Opposition to Motion to Dismiss, with redactions as agreed to by Respondents.

IT IS FURTHER HEREBY ORDERED that the Reply to Motion for Determination shall be SEALED.

IT IS FURTHER HEREBY ORDERED that Petitioner shall file a redacted copy of the Reply to Motion for Determination, with redactions as agreed to by Respondents.

Dated this 26 day of September, 2018.

DISTRICT COURT JUDGE

Respectfully Submitted By:

SOLOMON DWIGGINS & FREER, LTD.

By:

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