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Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

PARVIZ SAFARI, an individual;
MANDANA ZAHEDI, an individual;
AND NOOSHIN ZAHEDI, an
individual,

Appellants,

vs.

HAMID MODJTAHED, an
individual; and MOHAMMAD
MODJTAHED, an individual,

Respondents.

Docket No. 82279

**UNOPPOSED EMERGENCY
MOTION TO SEAL APPENDIX**

**Emergency Motion Under
NRAP 27(e)**

**Action necessary as soon as
practicable: confidential documents
are in the public record**

Appellants Parviz Safari, Mandana Zahedi, and Nooshin Zahedi move for an order sealing appellants' appendix because much of the appendix contains confidential documents still under a protective order granted by the district court.¹ Because much of the appendix relies upon, cites, or quotes, the confidential documents, it is most practicable to seal the entire appendix. Further, because confidential information is now contained in the public record,

¹ Respondents' counsel has indicated they do not oppose this motion.

irreparable harm will occur to the parties and this motion is filed on an emergency basis.²

The Nevada Supreme Court has adopted rules governing the sealing of court records. Pursuant to these rules, “[a]ny person may request that the court seal . . . court records from a case that is subject to these rules by filing a written motion.” NRSR 3(1). The Court may “order the court files and records, or any part thereof, in a civil action to be sealed . . . provided the court makes and enters written findings that the specific sealing . . . is justified by identified compelling privacy or safety interests that outweigh the public interest in access to the court record.” NRSR 3(4). “The public interest in privacy or safety interests that outweigh the public interest in open court records include findings that . . . the sealing or redaction furthers . . . a protective order entered under NRCP 26(c).” NRSR 3(4)(b).

Here, a large portion of the appendix is still under protective order issued pursuant to NRCP 26(c).³ Further, much of the appendix references or cites to

² The NRAP 27(e) certificate for this motion is attached as **Exhibit 1**.

³ For example, the documents at the following portions of the appendix are still under protective order: 1 Appellants’ Appendix (AA) 97-108; 1 AA 167; 2 AA 314-20; 2 AA 324-26; 2 AA 328; 2 AA 330-31; 2 AA 340-50; 2 AA 376; 2 AA 387; 2 AA 289-400; 2 AA 445-46; 3 AA 518-19; 3 AA 565-66; 18 AA 2879-90; 19 AA 3247-49; 19 AA 3256-57. There are additional confidential documents, and references to those documents, throughout the appendix.

documents under protective order. The inadvertent exposure of the parties' confidential documents is likely to produce immediate irreparable harm to their business or personal interests without an adequate legal remedy. *See, e.g., Wellness Coaches USA, LLC v. MGM Resorts Int'l*, 2015 WL 5146701, at *5 (D. Nev. Sept. 1, 2015) (the “disclos[ure] . . . [of] confidential documents, information, and trade secrets” could result in irreparable harm); *see also Arizona Dream Act Coalition v. Brewer*, 757 F.3d 1053, 1068 (9th Cir. 2014) (“[i]rreparable harm is traditionally defined as harm for which there is no adequate legal remedy”). Therefore, appellants request the Court seal the entire appellants' appendix on an emergency basis to prevent the irreparable harm that is likely to befall the parties.

Dated December 16, 2021.

The Powell Law Firm

/s/ Tom W. Stewart

Tom W. Stewart (14280)

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **UNOPPOSED**
EMERGENCY MOTION TO SEAL APPENDIX with the Nevada Supreme
Court on December 16, 2021. Electronic Service of the document shall be made
in accordance with the Master Service List as follows:

Jonathan Blum, Esq.
Eric Walther, Esq.
Adam Bult, Esq.

/s/ Tom W. Stewart
An Employee of The Powell Law Firm

Exhibit 1

NRAP 27(e) Certificate

1. I am counsel for appellants in Docket No. 82279.
2. On December 1, 2021, I met and conferred with respondents' counsel Jon Blum, Esq., and Eric Walther, Esq. regarding the possibility of filing a joint appendix. Although we did not ultimately agree on a joint appendix, we discussed many of the documents that ended up in the appellants' appendix. The existence of documents under protective order was not discussed during the meet and confer.
3. I filed appellants' appendix on December 12, 2021.
4. On December 16, 2021, respondents' counsel alerted me to the existence of a litany of confidential documents included in appellants' appendix.
5. I was not trial counsel in this matter and was not aware of the protective order until respondents' counsel's email alert.
6. The confidential documents relate to the business and trade secrets of the parties and Meditex, LLC's proprietary business practices. Pursuant to NRAP 28(e)(3)(B), the disclosure of proprietary documents, currently under protective order, represents that the appendix should be sealed immediately so as to limit the possible irreparable harm of the parties' confidential documents being on the public record.

7. After a brief back-and-forth email exchange, I drafted and filed this motion; pursuant to NRAP 27(e)(1), I certify that I acted to serve the motion at the earliest possible time.

8. Pursuant to NRAP 27(e)(3)(A), “the telephone numbers and office addresses of the attorneys for the parties and the telephone numbers and addresses” are as follows:

Jon D. Blum, Esq.
Wiley Petersen
1050 Indigo Drive, Suite 200B
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702-910-3329

Eric D. Walther, Esq.
Brownstein Hyatt Farber Schreck, LLP
100 North City Parkway, Suite 1600
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9. Pursuant to NRAP 27(e)(3)(C), respondents’ counsel is aware of this emergency and will be further notified of the motion upon its electronic filing.

Dated December 16, 2021.

The Powell Law Firm

/s/ Tom W. Stewart
Tom W. Stewart (14280)