

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
MOJTAHED, AN INDIVIDUAL,

Respondents.

No. 82279

FILED

FEB 14 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

O R D E R

Appellants have filed a motion to redact portions of the appendix that are subject to a protective order. Attached to the motion are copies of the documents at issue, in both redacted and unredacted form. Although appellants' motion seeks to file documents in redacted form, the proposed "redacted" documents appellants provide are completely blacked out. Thus, it appears appellants actually seek to file documents under seal and the motion is construed as a motion to file documents under seal.

Review of the submitted appendices indicates that only some of the documents appellants seek to file under seal are covered by the protective order. The protective order states that documents are to be designated confidential pursuant to the order by stamping "CONFIDENTIAL" on each page containing protected material. The documents included in appellants' proposed redacted appendix and unredacted appendix at pages 3239-58 are not marked "CONFIDENTIAL." Further, these pages within the proposed "unredacted" appendix are already redacted. It is thus not clear that sealing these documents is appropriate. See SCRC 5(b) (explaining that redaction is preferred over

sealing); *Howard v. State*, 128 Nev. 736, 744, 291 P.3d 137, 142 (2012) (providing that the party seeking to seal documents bears the burden of demonstrating adequate grounds for denying the public access to court records). Accordingly, the motion is granted only to the following extent. SRCR 3(4)(b).


The unredacted appendix was filed on this court's public docket on February 1, 2022. The clerk shall strike volumes 1-3 and 18-19 from the public docket and file volumes 1-3 and 18 of the unredacted appendix under seal. The clerk shall file volumes 1-3 and 18 of the redacted appendix, received on February 1, 2022, on this court's public docket. The clerk shall return volume 19 of the redacted appendix unfiled.

Appellants may file a renewed motion to seal or redact a portion of volume 19 within 7 days of the date of this order, if deemed warranted. If appellants file a motion to seal or redact, they must separately submit the appendix volume containing the documents they propose to file under seal or subject to redaction. The separate appendix must be transmitted to this court via mail or personal service and will be kept confidential pending resolution of the motion. If appellants file a motion to seal, they must explain why sealing, rather than redacting, is appropriate. If appellants file a motion to redact, they must also separately provide this court with a copy of the appendix with the proposed redactions made. If appellants do not file a motion to seal or redact, they shall refile volume 19 of the appendix on this court's public docket.

Appellants have attached unredacted copies of the documents they seek to keep confidential to their motion, which is filed on this court's public docket. Because many of these documents are subject to a protective order and appellants seek to keep them confidential, the clerk shall strike

the unredacted documents attached as exhibit 3 to the motion filed on February 1, 2022. Counsel for appellants is reminded that documents he wishes to keep confidential should be submitted separately from any documents he wishes to be filed on this court's public docket.

It is so ORDERED.

 C.J.

cc: The Powell Law Firm
Brownstein Hyatt Farber Schreck, LLP/Las Vegas
Wiley Petersen