

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Petitioners,

vs.

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

Respondent,

and

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

Real Party in Interest.

Electronically Filed
Mar 15 2021 10:48 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 82299

District Court No. A-13-078912-T

**MOTION FOR LEAVE TO
SUBMIT PRIVILEGED
MATERIAL FOR *IN CAMERA*
REVIEW**

DISCUSSION

Real Parties in Interest are the former trustees (or the representative of a former trustee) of the Scott Lyle Graves Canarelli Irrevocable Trust dated February 24, 1998. The former trustees are concurrently filing their (i) Answer to Petition for Writ of Mandamus or Prohibition, and (ii) Supplemental Appendix in the above-captioned matter. They additionally seek leave to submit a set of attorney-client privileged notes to the Court for its *in camera* review as part of this writ proceeding.

The Court previously determined the subject notes were entirely protected by the attorney-client privilege and, thus, “undiscoverable.” *See Canarelli v. Eighth Judicial Dist. Ct.*, 136 Nev. Adv. Op. 29, 464 P.3d 114, 123 (2020) (hereinafter “*Canarelli I*”). The former trustees thereafter moved to disqualify the Honorable Gloria Sturman based, in part, on her prior review of the notes. The matter was heard by Chief Judge Linda Bell. The former trustees provided the notes *in camera* to the chief judge, *see* Attached Exhibit 1, who considered them as part of her order granting the disqualification motion. *See* 7 App. 1362 (“The court has reviewed Mr. Lubbers’s notes in camera.”). Petitioner is now challenging the chief judge’s ruling before this Court.

Given the above, the former trustees submit this Court’s review of the notes is necessary to resolve the issues presented in the petition and answering brief. Petitioner appears to agree. *See* Pet. at 3, n.1 (“Petitioner no longer has a copy of

Lubbers’ notes, but this Court can order their transmission, as it previously did.”)
(citing “*Canarelli I*”).

CONCLUSION

The former trustees accordingly request that leave be granted permitting them to transmit the subject notes (with appropriate instructions on how best to do so) for this Court’s *in camera* review.

DATED this 15th day of March, 2021.

CAMPBELL & WILLIAMS

By /s/ J. Colby Williams

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CERTIFICATE OF SERVICE

Pursuant to NRAP 25, I certify that I am an employee of Campbell & Williams and that I did, on the 15th day of March, 2021, file a true and correct copy of the foregoing **Motion for Leave to Submit Privileged Material for *In Camera* Review** with the Clerk of the Court through the Court's e-flex filing system, which will send notice electronically to the following:

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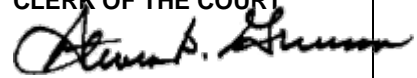
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By /s/ John Y. Chong
An employee of Campbell & Williams

EXHIBIT 1



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

DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of the

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

Case No. P-13-078912-T
Dept. No. VII (XXVI)

**NOTICE OF SUBMISSION OF
MATERIALS FOR *IN CAMERA*
REVIEW**

PLEASE TAKE NOTICE that on July 17, 2020, Respondents Lawrence and Heidi Canarelli, and Frank Martin, Special Administrator of the Estate of Edward C. Lubbers, as former Family Trustees of the Scott Lyle Graves Canarelli Irrevocable Trust, dated February 24, 1998, submitted for *in camera* review a true and correct copy of the Group 1 Notes, which are the subject of the Nevada Supreme Court's opinion in *Canarelli v. Eighth Judicial Dist. Ct.*, 136 Nev. Adv. Op. 29, 464 P.3d 114 (2020) and Respondents' Motion to Disqualify the Honorable Gloria Sturman. Respondents' *in camera* submission of the Group 1 Notes consists of five pages bates stamped RESP013284 – RESP013288.

Respectfully submitted,

DATED this 17th day of July 2020.

CAMPBELL & WILLIAMS

By /s/ J. Colby Williams

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Heidi Canarelli, and Frank Martin,
Special Administrator of the Estate of
Edward C. Lubbers, Former Trustees*

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of July, 2020, I caused a true and correct copy of the foregoing **Notice of Submission of Materials for *In Camera* Review** to be served through the Eighth Judicial District Court's electronic filing system, to the following parties:

Dana Dwiggins, Esq.
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/s/ John Y. Chong
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