

IN THE SUPREME COURT OF THE STATE OF NEVADA

PETSMART, INC.,

Petitioner,

vs.

THE EIGHTH JUDICIAL  
DISTRICT COURT OF THE STATE  
OF NEVADA IN AND FOR THE  
COUNTY OF CLARK; AND THE  
HONORABLE TIMOTHY D.  
WILLIAMS, DISTRICT JUDGE,

Respondents,

and

JAMES TODD; AND RAPHAELA  
TODD,

Real Parties in Interest,

Case No. 82454

Electronically Filed  
Apr 23 2021 10:56 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**REAL PARTIES IN  
INTEREST'S MOTION TO  
FILE DOCUMENTS UNDER  
SEAL**

Real Parties in Interest, James Todd and Raphaela Todd, by and through their counsel, Claggett & Sykes Law Firm, hereby moves this Court for an order, pursuant to SRCR 3, permitting it to file under seal the claimed privileged document at issue in the instant Real Parties in Interest's answer to petition for writ pending before this Court.

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## **ARGUMENT AND RELIEF SOUGHT**

Petitioner considers its Petsmart Adoption Partner Manual to be a confidential document. An Order was entered by the District Court finding that this document is protected as a confidential document under NRCP 26(c). To prevent this document from being made part of the public record, Real Parties in Interest respectfully request the Court issue an order permitting them to file under seal Exhibit 11 to Plaintiff's Opposition to Defendant Petsmart's Motion for Summary Judgment, containing the document at issue in the Real Parties in Interest's answer to petition for peremptory writ.

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Real Parties in Interests' Motion to File Documents Under Seal is hereby filed electronically without the subject document. A copy of Real Parties in Interests' Motion to File Documents Under Seal with the subject documents (1 RA 73-128 – Exhibit 11: Petsmart's Adoption Partner Manual) will be lodged with this Court, only via U.S. Mail.

Dated this 23rd day of April 2021.

CLAGGETT & SYKES LAW FIRM

/s/ Thomas W. Askeroth

Thomas W. Askeroth

Nevada Bar No. 11513

4101 Meadows Lane, Suite 100

Las Vegas, Nevada 89107

Telephone: (702) 655-2346

Facsimile: (702) 655-3763

[tom@claggettlaw.com](mailto:tom@claggettlaw.com)

*Attorney for Real Parties in Interest*

## **NRAP 26.1 DISCLOSURE STATEMENT**

The undersigned counsel of record certifies that the following are persons and entities as described by NRAP 26.1 (a) and must be disclosed. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal. NRAP 26.1(d)(2)

### Parties and Ownership:

1. Petitioner and Defendant, PetSmart, Inc., a Delaware Corporation.
2. Real Party in interest and Plaintiff, James Todd, an individual.
3. Real Party in interest and Plaintiff, Raphaela Todd, an individual.

Dated this 23rd day of April 2021.

CLAGGETT & SYKES LAW FIRM

/s/ Thomas W. Askeroth

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Telephone: (702) 655-2346

Facsimile: (702) 655-3763

[tom@claggettlaw.com](mailto:tom@claggettlaw.com)

*Attorneys for Real Parties in Interest,  
James Todd and Raphaela Todd*

## CERTIFICATE OF COMPLIANCE

1. I hereby certify that this motion complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the typestyle requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using 14-point Century Schoolbook font.

2. I further certify that this motion complies with the page limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it does not exceed 10 pages.

Dated this 23rd day of April 2021.

CLAGGETT & SYKES LAW FIRM

/s/ Thomas W. Askeroth

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4101 Meadows Lane, Suite 100

Las Vegas, Nevada 89107

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Facsimile: (702) 655-3763

[tom@claggettlaw.com](mailto:tom@claggettlaw.com)

*Attorneys for Real Parties in Interest,  
James Todd and Raphaela Todd*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **REAL PARTIES IN INTEREST'S MOTION TO FILE DOCUMENTS UNDER SEAL** was filed electronically with the Supreme Court of Nevada on the 23rd day of April 2021. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

**Petitioner, PetSmart, Inc.**

Michael L. Amaro (Amaro Baldwin, LLP)

Lane S. Kay (Law Offices of Lane S. Kay)

I further certify that the foregoing document was emailed to the following:

Honorable Timothy D. Williams, District Judge  
Eighth Judicial District Court, Department XVI  
[dept16lc@clarkcountycourts.us](mailto:dept16lc@clarkcountycourts.us)

/s/ Jade Askeroth

Jade Askeroth, an employee of  
Claggett & Sykes Law Firm

Exhibit 11: Petsmart's Adoption Partner Manual is Considered Confidential and will be mailed to the Court for an in-camera review.