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Elizabeth A. Brown  
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IN THE SUPREME COURT OF THE STATE OF NEVADA

PIERRE A. HASCHEFF,

**Supreme Court No Case No.:82626**

District Court Case No. DV13-00656

Appellant/Cross-  
Respondent,

vs.

LYNDA HASCHEFF,

Respondent/Cross-  
Appellant.

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**APPELLANT'S REPLY IN SUPPORT OF MOTION TO SEAL**

Appellant Pierre A. Hascheff submits the following Memorandum of Points and Authorities in reply to Respondent's Opposition to the Motion to Seal.

### **INTRODUCTION**

As reflected in attached Exhibit 1, Respondent's counsel, on September 27, 2021, sent an e-mail saying:

Also, you did not file any of your appendix volumes under seal in the Supreme Court, even if the docs were sealed in the District Court. What was your thinking on this? I think once they are sealed you have to keep them under seal unless you get a court order otherwise.

This is a clear statement that Respondent believed and wanted pleadings sealed that have been sealed herein.

As explained in the motions, the District Court sealed all pleadings so in order to not violate the District Court's order, and believing that Respondent wanted to keep the pleadings sealed, and because the pleadings have no public interest, and are private, confidential divorce proceedings, Appellant filed his motion to seal.

The District Court's Order sealing records has not been appealed. Respondent has not sought to change that Order. Respondent's counsel's e-mail, Exhibit 1, states that a motion to seal is necessary because of the District Court's order.

The Parties 2013 divorce has no public interest, and does contain private, confidential information. The documents contained in the Appendix are under seal and, until that Order is changed or withdrawn, it should not be disturbed.

## **REPLY MEMORANDUM OF POINTS AND AUTHORITIES**

This Court has long recognized parties interest in keeping confidential terms of a settlement as noted by Rule 3(4)(e) and (h). This appeal is about a confidential marital settlement.

Here, the District Court, on October 14, 2013, ordered that all pleadings, transcripts, orders and proceedings be sealed. The Appendix contains documents all sealed by the District Court. These pleadings do contain confidential information about the parties' divorce. Also, Appellant and his counsel do not want to violate the District Court Order sealing proceedings and pleadings and transcripts.

Respondent's counsel's September 27, 2021 e-mail clearly states that the documents have been sealed, they should remain sealed, and that a Motion to Seal should be made. Appellant therefore moved to seal. Respondent has therefore, by her e-mail and failure to seek a change of the District Court's Sealing Order, waived or should be estopped to objecting to maintaining the pleadings as sealed. Until the District Court Order has been changed, the pleadings in the Appendix and the discussion of them in the brief, are all about sealed documents and the interpretation and application of a confidential sealed marital settlement.

Appellant requests, therefore, that the Opening Brief and Appendix that both contain quotes, references, and District Court Order, transcripts, pleadings that were sealed, that are also private, confidential information remain sealed as

they have no public interest or public information, including pleadings, orders and transcripts that are already sealed by the District Court.

**CONCLUSION**

For all these reasons, Appellant request the Opening Brief and Appendix Volumes 1 through 4 be sealed.

**AFFIRMATION**

The undersigned hereby declares that the within document does not contain the Social Security Number of any person.

DATED this 8th day of November, 2021.

GORDON REES SCULLY  
MANSUKHANI

By: 

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## CERTIFICATE OF SERVICE

Pursuant to Rule 25(b) of the Nevada Rules of Appellate Procedure, I hereby certify that I am an employee of Gordon Rees Scully Mansukhani and that on this date, I served a true and correct copy of the attached document as follows:

- \_\_\_\_\_ By placing the document(s) in a sealed envelope with first-class US. Postage prepaid, and depositing for mailing at Reno, Nevada, addressed to the person at the last known address as set forth below.
- √   Electronic Filing states that the attached document will be electronically mailed; otherwise, an alternative method will be use.
- \_\_\_\_\_ By personally delivering the document(s) listed above, addressed to the person at the last known address as set forth below.

Debbie A. Leonard, Esq.  
Nevada State Bar No. 8260  
Leonard Law, PC  
955 S. Virginia Street, Suite 220  
Reno, Nevada 89502  
Attorneys for Respondent/  
Cross-Appellant

DATED this   8   day of November, 2021.

  
\_\_\_\_\_  
Holly Mitchell

## INDEX

<u>Exhibit No.</u>	<u>Description</u>	<u>Pages</u>
1	Respondent's Counsel's e-mail	2

## EXHIBIT 1

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## Stephen Kent

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**From:** Debbie Leonard <debbie@leonardlawpc.com>  
**Sent:** Monday, September 27, 2021 4:46 PM  
**To:** Stephen Kent  
**Subject:** RE: Hascheff v. Hascheff Joint Appendix Vol 1 of 4

Steve,

I have not had the chance to review this thoroughly, but on initial review I have identified the following omissions that need to be rectified:

1. Lynda's Notice of Appeal filed 3/17/2021
2. 12/7/2020 transcript of proceedings
3. 12/8/2020 Confidential Minutes of 12/7/2020 hearing

Additionally, these documents may need to be included but were not:

1. 4/15/13 Ex Parte Motion for Mutual Financial Restraining Order (
2. 4/17/2013 Ex Parte Order re Mutual Financial Restraining Order
3. 10/14/2013 Order Sealing Record (underlying briefing also not included)
3. 2/2/2014 and 7/21/2015 Qualified Domestic Relations Order

Also, you did not file any of your appendix volumes under seal in the Supreme Court, even if the docs were sealed in the District Court. What was your thinking on this? I think once they are sealed you have to keep them under seal unless you get a court order otherwise.

What is your plan to fix these items and to explain to the Court that you included my name on a filing that I did not authorize?

**From:** Stephen Kent <skent@grsm.com>  
**Sent:** Monday, September 27, 2021 11:47 AM  
**To:** Debbie Leonard <debbie@leonardlawpc.com>  
**Subject:** Hascheff v. Hascheff Joint Appendix Vol 1 of 4

Debbie,

I am sorry I should have sent the appendix to you for your review. Regardless I believe we included everything. Here is volume 1.

Steve



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