

IN THE SUPREME COURT OF THE STATE OF NEVADA

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IN THE MATTER OF THE  
GUARDIANSHIP OF THE  
ESTATE OF EDWARD FEIN, A  
PROTECTED PERSON

Supreme Court No. 82630 Electronically Filed  
Feb 23 2022 06:15 p.m.  
District Court No. GR18-00187 Elizabeth A. Brown  
Clerk of Supreme Court

ALAN S. LEVIN, M.D., J.D.

Appellant,

vs.

EDWARD FEIN; PEARL FEIN;  
RANDAL S. KUCKENMEISTER;  
AND JP MORGAN CHASE  
BANK, N.A.,

Respondents.

**RESPONDENT PEARL FEIN'S MOTION TO FILE ANSWERING  
BRIEF UNDER SEAL**

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*Attorneys for Respondent Pearl Fein*

Respondent Pearl Fein (“Pearl Fein”) moves this Court for an order under the Nevada Rules of Sealing and Redacting Court Records (“SRCR”) sealing her concurrently filed Answering Brief in its entirety. Under SRCR 3(2), Pearl Fein’s Answering Brief should remain confidential and otherwise protected from examination by the public and unauthorized court personnel until the Court rules on this Motion. The Answering Brief contains and discusses the strictly confidential terms of a settlement agreement (“Settlement Agreement”) among the parties to this appeal (“Parties”). SRCR 3(4)(e) (providing the Court may seal portions of the record that contain confidential terms of a settlement agreement of the parties).

Pearl Fein further adopts all the arguments in Edward Fein’s Motion to File Under Seal His Answering Brief, Appellant’s Opening Brief, and Portions of Appellant’s Appendix as those arguments apply equally to Pearl Fein’s Answering Brief.

## **II. LEGAL AUTHORITY AND ARGUMENT**

### **A. Sealing the Answering Brief is necessary and proper.**

SRCR 3(4) sets forth grounds to seal and when written findings supporting an order to seal are required, and provides in relevant part:

The court may order the court files and records, or any part thereof, in a civil action to be sealed or redacted, provided the court makes and enters written findings that the specific sealing or redaction is justified by identified compelling privacy or safety interests that outweigh the public interest in access to the court record. The parties' agreement alone does not constitute a sufficient basis for the court to seal or redact court records. The public interest in privacy or safety interests that outweigh the public interest in open court records include findings that:

(a) The sealing or redaction is permitted or required by federal or state law; . . . or . . .

(e) The sealing or redaction is of the confidential terms of a settlement agreement of the parties . . . .

SRCR 3(4).

By way of the Answering Brief, Pearl Fein responds to Levin's meritless arguments concerning the Settlement Agreement. The Settlement Agreement requires each party to take measures to protect the confidential nature of the agreement and not to disclose its strictly confidential terms. The Parties agreed to keep, and the district court respected their binding agreement to keep, the Settlement Agreement confidential.

To further the confidentiality terms of the Settlement Agreement and the district court's order sealing the same, Pearl Fein seeks an order sealing her Answering Brief, which discusses the settlement agreement in detail. Sealing is permitted and

justified to protect the confidentiality of the settlement agreement.  
SRCR 3(4)(a), (e).

**B. The scope of the requested sealing order comports with law.**

While the Court cannot seal the entire record or cannot conceal a public hazard, it can use the least restrictive means in sealing a record. SRCR 3(5) & (6). Pearl Fein is not requesting sealing the entire record and no public hazard exists in this case. The requested sealing is the least restrictive means available to protect the interests of the parties sufficiently and still to provide the public access to the relevant, non-privileged information in this case.

### **III. CONCLUSION**

Pearl Fein respectfully requests that the Court enter an order sealing from the record her Answering Brief.

Respectfully submitted February 23, 2022.

/s/ Adam Hosmer-Henner  
Leigh Goddard (NSBN 6315)  
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*Attorneys for Respondent Pearl Fein*

**CERTIFICATE OF SERVICE**

I hereby certify that, on February 23, 2022, I served  
**RESPONDENT PEARL FEIN'S MOTION TO FILE ANSWERING  
BRIEF UNDER SEAL** via electronic filing and U.S. Mail to the  
following individuals:

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Additionally, I caused a copy of Respondent Pearl Fein's  
Answering Brief to be deposited in the U.S. Mail addressed to the  
Clerk of the Court and the individuals above.

/s/ Chelsea Latino  
An Employee of McDonald Carano LLP

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