

LUKE A. BUSBY, ESQ.  
Nevada State Bar No. 10319  
316 California Ave.  
Reno, NV 89509  
775-453-0112  
[luke@lukeandrewbusbyltd.com](mailto:luke@lukeandrewbusbyltd.com)

Electronically Filed  
Mar 15 2022 02:24 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

WASHOE COUNTY SCHOOL DISTRICT,  
A political subdivision of the State of Nevada,

Appellant,

No. 83713

Vs.

CAIDYN EDLUND,

Respondent.

\_\_\_\_\_ /

**MOTION TO STRIKE DOCKETING STATEMENT**

COMES NOW, Respondent CAIDYN EDLUND (“Edlund”), by and through the undersigned counsel, and hereby moves that the Court strike the Docketing Statement filed by Appellant WASHOE COUNTY SCHOOL DISTRICT (“WCSD”) on March 14, 2022, due to the fact that the Docketing Statement includes documents that were ordered sealed by the District Court.

## **MEMORANDUM OF POINTS AND AUTHORITIES**

On March 10, 2021 in the case underlying this appeal, the District Court issued an Order sealing exhibits filed with Edlund's Motion to Vacate, or in the Alternative to Modify, Arbitrator's Opinion and Award, the outcome of which is the subject of this appeal. The District Court's Order is attached hereto as Exhibit 1. Specifically, Confidential Exhibits 2, 3, 5, 6, and 7 attached to Edlund's Motion were sealed by the District Court. As noted in the Court's Order, the documents at issue had already been sealed by another District Court Order dated July 2, 2020, and are records of a sealed criminal proceeding against Mr. Edlund. The District Court found that pursuant to Rule (5)(a) of this Court's Policy for Handling Filed, Lodged, and Presumptively Confidential Documents, Edlund's exhibits were presumptively confidential.

On March 14, 2022, WCSD filed a Docketing Statement pursuant to this Court's Order dated March 11, 2022, which noted that WCSD had failed to file a docketing statement in the time frame required by NRAP 14(b).

WCSD's Docketing Statement contains the entirety of the Confidential Exhibits 2, 3, 5, 6, and 7, despite the fact that these exhibits

are clearly watermarked “CONFIDENTIAL FILED UNDER SEAL” in bold red lettering across each Confidential Exhibit.

Under Rule 4(1) of the Supreme Court’s Rules Governing the Sealing and Redacting of Court Records (“SRCR”), sealed court records in civil cases may be examined by the public only after entry of a court order allowing access to the record. Under SRCR 4(2), a party seeking to unseal court records may only do so upon stipulation of the parties or on a motion granted by the court. Under SRCR 7, on an appeal records sealed in the trial court (in this case the District Court) shall be sealed from public access in this Court subject to further order of this Court.

Edlund has a compelling interest in maintaining the confidentiality of the contents of Confidential Exhibits 2, 3, 5, 6, and 7, because these records relate to a criminal proceeding that was dismissed and deemed never to have occurred under the provisions of Nevada Revised Statutes 179.285. The contents of Confidential Exhibits 2, 3, 5, 6, and 7 are damaging to Edlund’s reputation and his professional standing, and should never have been publicly filed.

By filing WCSD Confidential Exhibits 2, 3, 5, 6, and 7 publicly, WCSD has violated two District Court Orders requiring that the documents remain

confidential, Rule 5(a)(5) of the Policy for Handling Filed, Lodged, and Presumptively Confidential Documents, as well as SRCR 7.

WHEREFORE, the Respondent CAIDYN EDLUND moves that this Court immediately issue an order striking WCSD's March 14, 2022 Docketing Statement in its entirety.

Dated this Mar 15, 2022 :

By: /s/ Luke Busby, Esq.  
LUKE A. BUSBY, ESQ.  
Nevada State Bar No. 10319  
316 California Ave.  
Reno, NV 89509  
775-453-0112  
luke@lukeandrewbusbyltd.com

## **Exhibit List**

1. March 10, 2021 District Court Order

## CERTIFICATE OF SERVICE

Pursuant to NRCP 25(c), I certify that on the date indicated below, I caused service to be completed by:

\_\_\_\_\_ personally delivering;

\_\_\_\_\_ delivery via Reno/Carson Messenger Service;

\_\_\_\_\_ sending via Federal Express (or other overnight delivery service);

\_\_\_\_\_ depositing for mailing in the U.S. mail, with sufficient postage affixed thereto; or,

\_\_\_x\_\_\_ delivery via electronic means (fax, eflex, NEF, etc.)

a true and correct copy of the foregoing pleading addressed to:

Christopher Reich, Esq.  
Office of the General Counsel  
425 East Ninth Street  
Reno, NV 89512  
creich@washoeschools.net

By: \_\_\_/s/ Luke Busby, Esq.\_\_\_\_  
Luke Busby

Dated: Mar 15, 2022

# Exhibit 1

# Exhibit 1

1 **3370**

2  
3  
4  
5  
6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
7 **IN AND FOR THE COUNTY OF WASHOE**  
8

9 WASHOE EDUCATION ASSOCIATION  
10 and CAIDYN EDLUND,

11 Petitioners,

12 vs.

13 WASHOE COUNTY SCHOOL DISTRICT,

14 Respondent.  
15

Case No.: CV19-02058

Dept. No.: 10

16 **ORDER**

17 Presently before the Court is (1) Petitioner CAIDYN EDLUND's ("Edlund") Motion to  
18 Vacate, or in the Alternative to Modify, Arbitrator's Opinion and Award, filed on December  
19 2, 2020 ("Motion to Vacate"); (2) Respondent Washoe County School District's ("WCSD")  
20 Opposition to Motion to Vacate, or in the Alternative to Modify, Arbitrator's Opinion and  
21 Award, filed on December 16, 2020; (3) Edlund's Reply to Opposition to Motion to Vacate,  
22 or in the Alternative to Modify, Arbitrator's Opinion and Award, filed on December 21, 2020;  
23 (4) Edlund's Motion to File Exhibits to Motion to Vacate, or in the Alternative to Modify,  
24 Arbitrator's Opinion and Award as Confidential under Seal, filed on December 21, 2020  
25 ("Motion to File Exhibits Under Seal"); (5) WCSD's Opposition to Motion to File Exhibits as  
26 Confidential Under Seal, filed on December 16, 2020; and (6) Edlund's Reply to Opposition  
27 to Motion to File Exhibits as Confidential under Seal, filed on December 21, 2020.

28 The Court will grant Edlund's Motion to File Exhibits Under Seal and stay decision on



1 the Motion to Vacate, pending a hearing held on the motion.


2 Nevada district courts are subject to the NV Document Handling Policy. NV  
3 Document Handling Policy Rule 1. Pursuant to Rule 2(5)(a) of the NV Document Handling  
4 Policy, documents that have been sealed by statute or court order are presumptively  
5 confidential. All exhibits sought by Edlund to be filed confidentially and under seal are  
6 documents that have already been sealed by this Court's July 2, 2020, Order, issued by  
7 Judge Hardy of Department 15. Therefore, pursuant to Rule 2(5)(a) of the NV Document  
8 Handling Policy, Edlund's exhibits are presumptively confidential, and the Court will grant  
9 Edlund's Motion to File Exhibits Under Seal.

10 As for Edlund's Motion to Vacate, the Court finds a hearing would be helpful before  
11 deciding on the motion. Although Edlund and WCSD dispute whether the Washoe Education  
12 Association ("WEA") is still a party to this matter, the Court has not dismissed WEA from this  
13 action, and WEA has not filed a notice of dismissal. Therefore, the Court finds WEA is still  
14 a party to this matter. While the parties may dispute whether WEA is a *necessary* party  
15 under NRCP 19, WEA is still a party subject to the Court's order.

16 Therefore, IT IS HEREBY ORDERED Edlund's Motion to File Exhibits Under Seal is  
17 GRANTED.

18 IT IS FURTHER ORDERED the parties shall, within seven (7) days of the date of this  
19 Order, jointly contact Department 10's Judicial Assistant, Michael Decker, at  
20 [Michael.Decker@washoecourts.us](mailto:Michael.Decker@washoecourts.us), to set a date and time for a hearing on Edlund's Motion  
21 to Vacate. Absent the filing of a voluntary notice of dismissal, WEA is still a party and  
22 therefore also subject to this Order.

23 DATED this 10th day of March, 2021.

24  
25  
26  
27  
28  
  
DISTRICT JUDGE

1 **CERTIFICATE OF SERVICE**

2 CASE NO.: CV19-02058

3 I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT OF  
4 THE STATE OF NEVADA, COUNTY OF WASHOE; that on the 10th day of March, 2021, I  
5 electronically filed the foregoing **ORDER** with the Clerk of the Court by using the ECF  
6 system.

7 I further certify that I transmitted a true and correct copy of the foregoing document  
8 by the method(s) noted below:

9  
10 **Electronically filed with the Clerk of the Court by using the ECF system which will**  
11 **send a notice of electronic filing to the following:**

12 LUKE BUSBY, ESQ. for CAIDYN EDLUND

13 CHRISTOPHER REICH, ESQ. for WASHOE COUNTY SCHOOL DISTRICT  
14

15  
16 **Deposited in the Washoe County mailing system for postage and mailing with the**  
17 **United States Postal Service in Reno, Nevada:**

18 WASHOE EDUCATION ASSOCIATION, 1890 Donald St., Reno, NV 89502  
19

20  
21  
22 /s/ Michael Decker  
23 JUDICIAL ASSISTANT  
24  
25  
26  
27  
28