

IN THE SUPREME COURT OF THE STATE OF NEVADA

WASHOE COUNTY SCHOOL DISTRICT,
a Political Subdivision of the State of
Nevada,

Appellant,

vs.

CAIDYN EDLUND,

Respondent.

Supreme Court No. 83713

OPPOSITION TO MOTION TO STRIKE DOCKETING STATEMENT

Appellant, Washoe County School District (the District) by and through its attorney of record, hereby files its Opposition to Respondent Caidyn Edlund's (Mr. Edlund) Motion to Strike Docketing Statement (Motion to Strike) filed on March 15, 2022.

///

///

///

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **Background**

3 On March 10, 2022, Mr. Edlund’s counsel agreed to the District’s proposed
4 draft of the Joint Appendix and requested two documents be added. Counsel for the
5 District agreed to add the two documents. The District’s proposed Joint Appendix
6 (JA) included Exhibits 2, 3, 5, 6, and 7 of Mr. Edlund’s December 2, 2020 Motion
7 to Vacate, or in the Alternative to Modify, Arbitrator’s Opinion and Award
8 (MTV/M). Prior to filing the Docketing Statement, Mr. Edlund’s counsel did not
9 object to the aforementioned exhibits being included in the JA or the Docketing
10 Statement based upon the lower court’s approval to file the exhibits as confidential
11 at the district court level. The District filed its Docketing Statement with the Court
12 on March 14, 2022. Under Nevada Rule of Appellate Procedure (NRAP) 14, the
13 clerk’s form for the Docketing Statement requires an appellant to attach a copy of
14 the “complaint” (among other documents) to the Docketing Statement before filing
15 the Docketing Statement with the Supreme Court of Nevada. Thus, in compliance
16 with NRAP 14 and the clerk’s form, the District attached the MTV/M, including all
17 its exhibits, to the Docketing Statement.

18 On Tuesday, March 15, 2022, Mr. Edlund’s counsel sent an email to the
19 undersigned stating, in sum, he reviewed the Docketing Statement and it appeared

1 confidential information was included, referring to Exhibits 2, 3, 5, 6, and 7 of the
2 MTV/M, and asked to have the matter corrected. *See* email communications at
3 **Exhibit 1**.

4 In order to remedy the issue, the undersigned asked Office of the General
5 Counsel staff to contact the Supreme Court of Nevada Clerk's Office and inquire
6 on the most expeditious manner to have the exhibits sealed. The Clerk's Office
7 informed the Office of the General Counsel to file a Motion to Seal Records on
8 Appeal. The undersigned immediately researched, drafted and filed the District's
9 Motion to Seal Records on Appeal (Motion to Seal) requesting the Court seal the
10 relevant portions of the Docketing Statement and the JA. Prior to filing the Motion
11 to Seal, the undersigned called Mr. Edlund's counsel to inform him of the actions
12 taken and left a voice message. The undersigned then sent an email to Mr. Edlund's
13 counsel to inform him what actions were being taken by the District to resolve the
14 matter. *See, Exhibit 1*. Mr. Edlund's counsel then, apparently, filed his Motion to
15 Strike. Two minutes later, Mr. Edlund's counsel responded to the undersigned's
16 email stating, "Hi Chris, I just filed a motion to strike. You should be served
17 shortly. Cheers!" *See, Exhibit 1*. Thirteen minutes later the undersigned sent an
18 email to Mr. Edlund's counsel requesting that he withdraw his Motion to Strike and
19 file a non-opposition to the District's Motion to Seal Records on Appeal. *See,*

1 **Exhibit 1.** The undersigned then asked Mr. Edlund’s counsel to call in order to
2 discuss the matter. Mr. Edlund’s counsel could not call at that time. *See, Exhibit 1.*

3 The next morning, March 16, 2022, the undersigned sent an email to Mr.
4 Edlund’s counsel stating, “Good morning Luke. Breanne just filed the JA at the
5 Court along with a courtesy copy of the District’s Motion to Seal. They will seal as
6 soon as order is given. Breanne is on her way to deliver JA to you. I believe the
7 most expedient way to get the seal is to withdraw the Motion to Strike and file a
8 non-opposition to the Motion to Seal.” *See, Exhibit 1.* The undersigned has not
9 received a response to the aforementioned email or any contact from Mr. Edlund’s
10 counsel in any way to discuss the matter.

11 **Rules**

12 Nevada Rules for Sealing and Redacting Court Records (SRCR) Rule 7
13 provides that “A civil court record or any portion of it that was sealed in the trial
14 court shall be made available to the Nevada Supreme Court in the event of an
15 appeal. Court records sealed in the trial court shall be sealed from public access in
16 the Nevada Supreme Court subject to further order of that court.” These documents
17 sealed at the district court level are part of the lower court’s record and are necessary
18 on appeal. Therefore, the District filed its Motion to Seal Records on Appeal
19 pursuant to SRCR Rule 3. SRCR 3(2) provides that: “When a motion to seal or

1 redact a court record has been filed, the information to be sealed or redacted remains
2 confidential for a reasonable period of time until the court rules on the motion.”

3 The District has acted in good faith to resolve this matter in the most efficient
4 manner. The District filed its Motion to Seal as expeditiously as possible to correct
5 the matter and communicated throughout the process with Mr. Edlund’s counsel.
6 There is no reason to strike the Docketing Statement and prolong the procedural
7 filings in the matter. The District took immediate steps to seal the documents on
8 appeal and SRCR 3(2) protects the confidential nature of this information for a
9 reasonable period of time pending the Supreme Court’s order on the District’s
10 Motion to Seal.

11 **Conclusion**

12 The District respectfully requests that the Court Grant its Motion to Seal
13 Records on Appeal and deny Mr. Edlund’s Motion to Strike in its entirety.

14 ///

15 ///

16 ///

1 **AFFIRMATION PURSUANT TO NRS 239B.030:** The undersigned does
2 hereby affirm that the preceding document **DOES NOT** contain the social security
3 number of any person.

4 DATED this 22nd day of March, 2022.

5 WASHOE COUNTY SCHOOL DISTRICT
6 OFFICE OF THE GENERAL COUNSEL

7
8 By: /s/Christopher B. Reich, Esq.
9 CHRISTOPHER B. REICH, ESQ.
10 Nevada Bar No. 10198
11 Deputy Chief General Counsel
12 NEIL A. ROMBARDO, ESQ.
13 Nevada Bar No. 6800
14 Chief General Counsel
15 SARA K. MONTALVO, ESQ.
16 Nevada Bar No. 11899
17 General Counsel
18 ANDREA L. SCHULEWITCH, ESQ.
19 Nevada Bar No. 15321
 Associate General Counsel
 Washoe County School District
 P.O. Box 30425
 Reno, NV 89520-3425

Attorneys for Appellant
WASHOE COUNTY SCHOOL
DISTRICT

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRAP 25(c), I certify that I am an employee of the WASHOE
3 COUNTY SCHOOL DISTRICT OFFICE OF THE GENERAL COUNSEL and
4 that on this date I served a true and correct copy of the preceding document
5 addressed to the following:

6 Luke Busby, Esq.
7 Luke Andrew Busby, Ltd.
8 316 California Ave. #82
9 Reno, Nevada 89509
10 Attorney for Caidyn Edlund

11 by electronically filing the foregoing document with the Clerk of the Court which
12 served Mr. Busby electronically.

13 DATED this 22nd day of March, 2022.

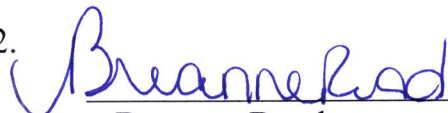
14 
15 Breanne Read
16
17
18
19

EXHIBIT INDEX

Exhibit No.	Exhibit Name	No. of Pages (including cover sheet)
1.	Emails	9

EXHIBIT 1

EXHIBIT 1

Reich, Chris

From: Luke Busby <luke@lukeandrewbusbyltd.com>
Sent: Wednesday, March 16, 2022 11:20 AM
To: Read, Breanne
Cc: Reich, Chris
Subject: Re: [EXTERNAL] Edlund v. WCSD

Got it. Thank you.

On Wed, Mar 16, 2022 at 9:30 AM Read, Breanne <BRead@washoeschools.net> wrote:
Good morning, Mr. Busby,

I just left the printed three volumes of the Joint Appendix along with a CD ROM of the electronic versions of the JA with an employee of the Postal Depot, 316 California Ave, which is at the address you have listed for your office.

Breanne Read, ACP
Advanced Certified Paralegal
Office of the General Counsel
425 East Ninth Street
Reno, NV 89512
Phone: 775.348.0300
Fax: 775.333.6010

CONFIDENTIAL AND PRIVILEGED ATTORNEY/CLIENT COMMUNICATION AND WORK PRODUCT: This communication, including attachments, is for the exclusive use of addressee and may contain proprietary, confidential and/or privileged information. If you are not the intended recipient, any use, copying, disclosure, dissemination or distribution is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this communication and destroy all copies.

From: Reich, Chris <CRreich@washoeschools.net>
Sent: Wednesday, March 16, 2022 8:37 AM
To: Luke Busby <luke@lukeandrewbusbyltd.com>
Cc: Read, Breanne <BRead@WashoeSchools.net>
Subject: RE: [EXTERNAL] Edlund v. WCSD

Good morning Luke. Breanne just filed the JA at the Court along with a courtesy copy of the District's Motion to Seal. They will seal as soon as order is given. Breanne is on her way to deliver JA to you. I believe the most expedient way to get the seal is to withdraw the Motion to Strike and file a non-opposition to the Motion to Seal.

Christopher B. Reich
Deputy Chief General Counsel
Washoe County School District

From: Luke Busby [<mailto:luke@lukeandrewbusbyltd.com>]
Sent: Tuesday, March 15, 2022 2:54 PM
To: Reich, Chris <CRreich@washoeschools.net>

Cc: Read, Breanne <BRead@WashoeSchools.net>

Subject: Re: [EXTERNAL] Edlund v. WCSD

Hi Chris,

I can't call, I have to pick up my kid from school. The motion you filed doesn't say anything about the docketing statement. I suggest you file a non opposition to my motion to strike and refile the docketing statement without the confidential exhibits.

Cheers!

On Tue, Mar 15, 2022, 2:41 PM Reich, Chris <CReich@washoeschools.net> wrote:

Luke, can you call. Do you mean our motion? It's been filed.

Christopher B. Reich
Deputy Chief General Counsel
Washoe County School District

From: Luke Busby [mailto:luke@lukeandrewbusbyltd.com]

Sent: Tuesday, March 15, 2022 2:39 PM

To: Reich, Chris <CReich@washoeschools.net>

Cc: Read, Breanne <BRead@WashoeSchools.net>

Subject: Re: [EXTERNAL] Edlund v. WCSD

Hi Chris,

Please send me the pleading paper for the joint appendix before you file it so I can confirm that it contains all of the required documents.

Cheers!

On Tue, Mar 15, 2022, 2:28 PM Reich, Chris <CReich@washoeschools.net> wrote:

I saw that.

Christopher B. Reich
Deputy Chief General Counsel
Washoe County School District

From: Luke Busby [mailto:luke@lukeandrewbusbyltd.com]

Sent: Tuesday, March 15, 2022 2:27 PM

To: Reich, Chris <CReich@washoeschools.net>

Cc: Read, Breanne <BRead@WashoeSchools.net>

Subject: Re: [EXTERNAL] Edlund v. WCSD

Hi Chris,

I just filed a motion to strike. You should be served shortly.

Cheers!

On Tue, Mar 15, 2022 at 2:25 PM Reich, Chris <CReich@washoeschools.net> wrote:

Hello Luke. Just tried to call. Talked to the clerk. We will be filing a motion for sealing pursuant to SRCR 7 shortly. The electronic filing is the issue. So, we will file the opening brief electronically tomorrow, and then, paper and CD of JA to you and the Court in order that they can seal.

Christopher B. Reich
Deputy Chief General Counsel
Washoe County School District

From: Luke Busby [mailto:luke@lukeandrewbusbyltd.com]
Sent: Tuesday, March 15, 2022 10:54 AM
To: Reich, Chris <CReich@washoeschools.net>
Cc: Read, Breanne <BRead@WashoeSchools.net>
Subject: [EXTERNAL] Edlund v. WCSD

Hi Chris,

In reviewing your Docketing Statement in the Edlund matter today it appears you have included confidential information in the public filing. Please see Exhibits 2, 3, 5, 6, and 7 to our motion, which you attached to the statement. Per the District Court's March 10, 2021 Order, these documents were sealed by the Court, and are marked as such.

Please correct this error immediately.

Cheers!

--

Cheers!

Luke Busby, Esq.
316 California Ave. #82
Reno, Nevada 89509
(775) 453-0112 (Dial Area Code)
(775) 403-2192 (Fax)
www.lukeandrewbusbyltd.com
luke@lukeandrewbusbyltd.com

This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

Disclaimer Required by IRS Rules of Practice: Any discussion of tax matters contained herein is not intended or written to be used, and cannot be used, for the purpose of avoiding any penalties that may be imposed under Federal tax laws.

--
Cheers!

Luke Busby, Esq.

316 California Ave. #82
Reno, Nevada 89509
(775) 453-0112 (Dial Area Code)
(775) 403-2192 (Fax)
www.lukeandrewbusbyltd.com
luke@lukeandrewbusbyltd.com

This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

Disclaimer Required by IRS Rules of Practice: Any discussion of tax matters contained herein is not intended or written to be used, and cannot be used, for the purpose of avoiding any penalties that may be imposed under Federal tax laws.

--
Cheers!

Luke Busby, Esq.
316 California Ave. #82
Reno, Nevada 89509
(775) 453-0112 (Dial Area Code)
(775) 403-2192 (Fax)
www.lukeandrewbusbyltd.com
luke@lukeandrewbusbyltd.com

This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

Disclaimer Required by IRS Rules of Practice: Any discussion of tax matters contained herein is not intended or written to be used, and cannot be used, for the purpose of avoiding any penalties that may be imposed under Federal tax laws.

Reich, Chris

From: Luke Busby <luke@lukeandrewbusbyltd.com>
Sent: Tuesday, March 15, 2022 2:54 PM
To: Reich, Chris
Cc: Read, Breanne
Subject: Re: [EXTERNAL] Edlund v. WCSD

Hi Chris,

I can't call, I have to pick up my kid from school. The motion you filed doesn't say anything about the docketing statement. I suggest you file a non opposition to my motion to strike and refile the docketing statement without the confidential exhibits.

Cheers!

On Tue, Mar 15, 2022, 2:41 PM Reich, Chris <CReich@washoeschools.net> wrote:

Luke, can you call. Do you mean our motion? It's been filed.

Christopher B. Reich

Deputy Chief General Counsel

Washoe County School District

From: Luke Busby [mailto:luke@lukeandrewbusbyltd.com]
Sent: Tuesday, March 15, 2022 2:39 PM
To: Reich, Chris <CReich@washoeschools.net>
Cc: Read, Breanne <BRead@WashoeSchools.net>
Subject: Re: [EXTERNAL] Edlund v. WCSD

Hi Chris,

Please send me the pleading paper for the joint appendix before you file it so I can confirm that it contains all of the required documents.

Cheers!

On Tue, Mar 15, 2022, 2:28 PM Reich, Chris <CReich@washoeschools.net> wrote:

I saw that.

Christopher B. Reich

Deputy Chief General Counsel

Washoe County School District

From: Luke Busby [<mailto:luke@lukeandrewbusbyltd.com>]

Sent: Tuesday, March 15, 2022 2:27 PM

To: Reich, Chris <CReich@washoeschools.net>

Cc: Read, Breanne <BRead@WashoeSchools.net>

Subject: Re: [EXTERNAL] Edlund v. WCSD

Hi Chris,

I just filed a motion to strike. You should be served shortly.

Cheers!

On Tue, Mar 15, 2022 at 2:25 PM Reich, Chris <CReich@washoeschools.net> wrote:

Hello Luke. Just tried to call. Talked to the clerk. We will be filing a motion for sealing pursuant to SRCR 7 shortly. The electronic filing is the issue. So, we will file the opening brief electronically tomorrow, and then, paper and CD of JA to you and the Court in order that they can seal.

Christopher B. Reich

Deputy Chief General Counsel

Washoe County School District

From: Luke Busby [mailto:luke@lukeandrewbusbyltd.com]
Sent: Tuesday, March 15, 2022 10:54 AM
To: Reich, Chris <CReich@washoeschools.net>
Cc: Read, Breanne <BRead@WashoeSchools.net>
Subject: [EXTERNAL] Edlund v. WCSD

Hi Chris,

In reviewing your Docketing Statement in the Edlund matter today it appears you have included confidential information in the public filing. Please see Exhibits 2, 3, 5, 6, and 7 to our motion, which you attached to the statement. Per the District Court's March 10, 2021 Order, these documents were sealed by the Court, and are marked as such.

Please correct this error immediately.

Cheers!

--

Cheers!

Luke Busby, Esq.

316 California Ave. #82
Reno, Nevada 89509
(775) 453-0112 (Dial Area Code)

(775) 403-2192 (Fax)

www.lukeandrewbusbyltd.com

luke@lukeandrewbusbyltd.com

This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

Disclaimer Required by IRS Rules of Practice: Any discussion of tax matters contained herein is not intended or written to be used, and cannot be used, for the purpose of avoiding any penalties that may be imposed under Federal tax laws.

--

Cheers!

Luke Busby, Esq.

316 California Ave. #82
Reno, Nevada 89509
(775) 453-0112 (Dial Area Code)

(775) 403-2192 (Fax)

www.lukeandrewbusbyltd.com

luke@lukeandrewbusbyltd.com

This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

Disclaimer Required by IRS Rules of Practice: Any discussion of tax matters contained herein is not intended or written to be used, and cannot be used, for the purpose of avoiding any penalties that may be imposed under Federal tax laws.