

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
GUARDIANSHIP OF THE PERSON
AND ESTATE OF KATHLEEN JUNE
JONES, PROTECTED PERSON

KATHLEEN JUNE JONES,

Appellant,

vs.

ROBYN FRIEDMAN; AND DONNA
SIMMONS,

Respondents.

No. 83967

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Elizabeth A. Brown
Clerk of Supreme Court

**RENEWED MOTION FOR LEAVE TO FILE PORTIONS OF
RESPONDENTS' APPENDIX UNDER SEAL**

Respondents, Robyn Friedman and Donna Simmons, file their renewed request for leave under SRCR 3(1) to file certain portions of Volume 8 of Respondents' appendix under seal.

This Court previously ruled on Respondents' motion to seal portions of their appendix and reserved ruling on Volume 8, as noted in the Court's December 5, 2022 order. The Court's order explains that the documents within Volume 8 were not placed under seal in the District Court and asked Respondents to provide additional justification.

After further review, Respondents determined that certain documents within Volume 8 of their appendix should have been placed under seal because they, indeed, contain confidential information that should not have been made public. However, Respondents themselves did not file these documents in the District Court. To remedy this situation, Respondents recently filed a motion in the District Court to place the documents in question under seal. *See Exhibit 1.* The District Court has not yet set a hearing date for this motion. However, to comply with this Court's deadlines outlined in its December 5, 2022 order, Respondents ask this Court to make an independent ruling as to the confidential portions of Volume 8 of Respondents' appendix. Alternatively, Respondents can supply the Court with the District Court's ruling on Respondents' pending District Court motion once it is available.

Specifically, Respondents ask this Court to seal certain exhibits attached to the District Court filing, which include Exhibit 4 (1455–1460), 5 (1462–1465), and 9 (1476–1481) within Volume 8 of Respondents' appendix. Sealing these portions of Respondents' appendix is appropriate under SRCR 3(4)(b) and (f) and SRCR 7 as the

documents within these volumes contain sensitive medical and financial information. Therefore, this Court should grant Respondents' renewed motion for leave, and accordingly, file the abovementioned portions of Respondents' appendix under seal.

Dated this 27th day of December 2022.

CLAGGETT & SYKES LAW FIRM

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **RENEWED MOTION FOR LEAVE TO FILE PORTIONS OF RESPONDENTS' APPENDIX UNDER SEAL** with the Nevada Supreme Court on the 27th day of December 2022. I will electronically serve the foregoing document in accordance with the Master Service List as follows:

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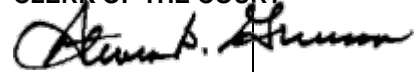
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/s/ Anna Gresl

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EXHIBIT 1

EXHIBIT 1



PET

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DISTRICT COURT

CLARK COUNTY, NEVADA

IN THE MATTER OF THE GUARDIANSHIP)	Case Number: G-19-052263-A
OF THE PERSON AND ESTATE OF:)	Department: B
)	
Kathleen June Jones,)	
)	
An Adult Protected Person.)	

**PETITION TO SEAL OR REDACT DOCUMENTS
CONTAINING CONFIDENTIAL INFORMATION**

- | | |
|---|---|
| <input type="checkbox"/> TEMPORARY GUARDIANSHIP | <input checked="" type="checkbox"/> GENERAL GUARDIANSHIP |
| <input type="checkbox"/> Person | <input type="checkbox"/> Person |
| <input type="checkbox"/> Estate <input type="checkbox"/> Summary Admin. | <input type="checkbox"/> Estate <input type="checkbox"/> Summary Admin. |
| <input type="checkbox"/> Person and Estate | <input checked="" type="checkbox"/> Person and Estate |
| <input type="checkbox"/> SPECIAL GUARDIANSHIP | <input checked="" type="checkbox"/> NOTICES / SAFEGUARDS |
| <input type="checkbox"/> Person | <input checked="" type="checkbox"/> Blocked Account |
| <input type="checkbox"/> Estate <input type="checkbox"/> Summary Admin. | <input type="checkbox"/> Bond Posted |
| <input type="checkbox"/> Person and Estate | <input type="checkbox"/> Public Guardian Bond |

COMES NOW Robyn Friedman, Successor Guardian of the Person and Estate of
Kathleen June Jones, by and through Michaelson Law, and files this *Petition to Seal or Redact
Documents Containing Confidential Information*, as follows:

BACKGROUND RELEVANT TO THIS PETITION

1
2 1. There is an argument regarding sealing records in Nevada Court of Appeals Case
3 Number 83967 that the Legal Aid Center of Southern Nevada (“LACSN”) filed to appeal this
4 Court’s decision removing Kimberly Jones as guardian of Kathleen June Jones and appointing
5 Robyn Friedman as successor guardian.

6 2. Basically, financial and medical records that Kimberly Jones filed publicly in this case
7 need to be sealed at the district court level in order to be sealed at the appellate court level.

8 3. On April 27, 2020, Kimberly Jones was acting as guardian for Kathleen June Jones.

9 4. On April 27, 2020, Kimberly Jones filed through her counsel at Marquis Aurbach
10 *Coffing Kimberly Jones’s Opposition to Rodney Gerald Yeoman’s Petition for Removal of*
11 *Guardian and for Return of Protected Person’s Property; and Counterpetition for Attorney*
12 *Fees and Costs Pursuant to NRS 159.1583(4); and Court Ordered Supplemental Opposition*
13 *Concerning Discovery of Interested Parties Pursuant to NRS 159.047* (“Kimberly Jones’s
14 *Opposition*”).
15

16 5. Kimberly Jones’ Opposition has nine (9) exhibits attached.

17 6. Exhibit 4 of Kimberly Jones’ Opposition contains unredacted bank records that need to
18 be sealed or redacted pursuant to Rule 3 of the Supreme Court Rules Adopted by the Supreme
19 Court of Nevada, Part VII, the Nevada Rules for Sealing and Redacting Court Records
20 (“SRCR”).

21 7. Exhibit 5 of Kimberly Jones’ Opposition contains unredacted bank records that need to
22 be sealed or redacted pursuant to SRCR 3.

23 8. Exhibit 9 of Kimberly Jones’ Opposition contains unredacted medical records that need
24 to be sealed or redacted pursuant to SRCR 3.
25

APPLICABLE LAW AND ANALYSIS

9. The governing law to seal or redact Exhibits 4, 5 and 9 of Kimberly Jones' Opposition is comprised of the Supreme Court Rules Adopted by the Supreme Court of Nevada, Part VII are the Nevada Rules for Sealing and Redacting Court Records ("SRCR"). Rule 3 of said rules establishes as follows, in relevant part:

Rule 3. Process and grounds for sealing or redacting court records.

1. **Request to seal or redact court records; service.** Any person may request that the court seal or redact court records for a case that is subject to these rules by filing a written motion, or the court may, upon its own motion, initiate proceedings to seal or redact a court record. A motion to seal or redact a court record must disclose, in its title and document code, that sealing or redaction is being sought. The motion must be served on all parties to the action in accordance with NRCP 5.

* * *

4. **Grounds to seal or redact; written findings required.** 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;
* * *

(f) The sealing or redaction includes medical, mental health, or tax records;

(g) * * *

(h) The sealing or redaction is justified or required by another identified compelling circumstance.

5. Limitations on sealing or redacting.

* * *

(b) **Redaction preferred.** A court record shall not be sealed under these rules when reasonable redaction will adequately resolve the issues before the court under subsection 4 above.

(c) **Sealing of entire court file prohibited.** Under no circumstances shall the court seal an entire court file. An order entered under these rules must . . . ,

1 **6. Scope and duration of order.** If the court enters an order sealing or
2 redacting a court record, the court shall use the least restrictive means and duration.

3 * * *

4 [Added; effective January 1, 2008.]

5 https://www.leg.state.nv.us/Division/Legal/LawLibrary/CourtRules/SCR_RGSRCR.html (last
6 visited December 21, 2022)

7 10. Exhibit 4 and Exhibit 5 of Kimberly Jones' Opposition contain unredacted bank records
8 that need to be sealed or redacted pursuant to SRCR 3. The unredacted documents show entire
9 account numbers of accounts that belong to the Protected Person that should not be part of the
10 public record and need to be sealed or redacted.

11 11. Exhibit 9 of Kimberly Jones' Opposition contains unredacted medical records that need
12 to be sealed or redacted pursuant to SRCR 3. The unredacted document show confidential
13 medical information for the Protected Person that should not be part of the public record.

14 12. Exhibits 4, 5 and 9 of Kimberly Jones' Opposition need to be sealed or redacted at the
15 district court level so they can also be sealed or redacted as part of the record on appeal in
16 Nevada Court of Appeals Case Number 83967.

17 13. If the Court is so inclined, it may be simpler to seal these exhibits that should have been
18 filed confidentially in the first place, rather than redact them.

19 **REQUEST FOR RELIEF**

20 WHEREFORE, based upon the foregoing, Successor Guardian Robyn requests that this
21 Court order:

22 1. that Exhibits 4, 5 and 9 of *Kimberly Jones's Opposition to Rodney Gerald Yeoman's*
23 *Petition for Removal of Guardian and for Return of Protected Person's Property; and*
24 *Counterpetition for Attorney Fees and Costs Pursuant to NRS 159.1583(4); and Court Ordered*
25

1 *Supplemental Opposition Concerning Discovery of Interested Parties Pursuant to NRS 159.047*
2 filed April 27, 2020 be sealed;

3 OR, in the alternative,

4 2. that Exhibits 4, 5 and 9 of *Kimberly Jones's Opposition to Rodney Gerald Yeoman's*
5 *Petition for Removal of Guardian and for Return of Protected Person's Property; and*
6 *Counterpetition for Attorney Fees and Costs Pursuant to NRS 159.1583(4); and Court Ordered*
7 *Supplemental Opposition Concerning Discovery of Interested Parties Pursuant to NRS 159.047*
8 filed April 27, 2020 be redacted; and

9 3. that any other relief the Court deems appropriate be granted.

10 MICHAELSON LAW

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16 Counsel for Robyn Friedman
17 and Donna Simmons
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and NEFCR 9, the undersigned hereby certifies that on December 21, 2022 a copy of the foregoing *Petition to Seal or Redact Documents Containing Confidential Information* was e-served and/or mailed by regular US first class mail, postage prepaid, in a sealed envelope in Henderson, Nevada to the following individuals and/or entities at the following addresses:

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Employee of Michaelson Law