

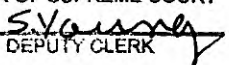
IN THE SUPREME COURT OF THE STATE OF NEVADA

DIAMOND HALL,
Appellant,
vs.
JUSTIN MARTIN,
Respondent.

No. 83979

FILED

JUN 30 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER REGARDING SANCTIONS

This is an appeal from an order establishing child custody. On May 18, 2022, respondent filed an emergency motion to seal this case and to strike the appendices filed by appellant, explaining among other things that the underlying district court case is sealed and that the appendices contain social security numbers and other confidential information, as well as documents that were sealed below. Respondent pointed to district court orders included in the appendices that granted his motion to seal below, and he asks that appellant and her counsel be sanctioned for including confidential information and sealed documents in the appendices.

This court granted in part appellant's motion on May 20, explaining that SRCR 7 provides generally that court records sealed below shall also be sealed in the appellate courts and sealing the docketing statement attachments, the appendices, and the trial exhibits, but we denied his request to seal the entire case. At that time, this court deferred ruling on respondent's request for sanctions pending receipt and

consideration of appellant's response to that request. Appellant has now filed her response,¹ and respondent has filed a reply.

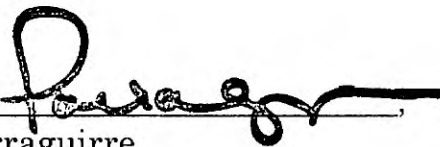
In the response, appellant's counsel Amy A. Porray explains that, among other things, she was and is not currently district court counsel, respondent's former appellate counsel did not object when appellant's former appellate counsel filed the docketing statement and attachments, former counsel did not make her aware that the district court case was sealed and such was not evident from the materials she reviewed, and respondent failed to identify the parts of the appendices at issue or any legal reason why they should be sealed when he first notified her of the problem. (Although counsel further states that respondent's second notification suffered from the same problems, we note that that notification pointed to SRCR 7 and identified the date on which the district court ordered the case sealed.) Additionally, counsel asserts that filing a 1440-page appendix in which 2 of those pages contained social security numbers was, while serious, an unintentional oversight. Respondent's reply addresses various factual statements in the response and argues that appellant failed to sufficiently demonstrate that sanctions are not warranted.

Having considered the motion, response, and reply, we admonish appellant's counsel for her failure to properly and diligently prepare the appendices in accordance with court rules and to promptly cure the issue after respondent's notification thereof. *See generally* NRAP 30(g); SRCR 7; *Huckabay Props. v. NC Auto Parts*, 130 Nev. 196, 206, 322 P.3d

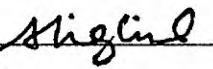
¹Appellant's June 3 motion for an extension of time to file the response is granted, notwithstanding any miscounting of days therein and respondent's objection thereto. Thus, the response, which was submitted on June 8 and filed on June 9, was timely.

429, 435 (2014) (recognizing that failure to comply with court rules in compiling appendices can result in the imposition of sanctions). However, in light of appellant's explanation, we decline to issue further sanctions.

It is so ORDERED.


_____, C.J.
Parraguirre


_____, J.
Hardesty


_____, J.
Stiglich

cc: McFarling Law Group
Justin Martin