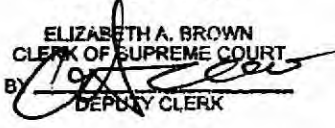# IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FTL DISPLAYS, LLC,
Appellant,
vs.
BLACKOUT INC., D/B/A BLACKOUT
DINING IN THE DARK,
Respondent.

No. 82461-COA

FILED

MAY 27 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY _____
DEPUTY CLERK

ORDER OF AFFIRMANCE

FTL Displays, LLC appeals from a post-judgment order in a civil action. Eighth Judicial District Court, Clark County; Adriana Escobar, Judge.

In the proceedings below, respondent Blackout Inc. filed a complaint against FTL, alleging breach of contract. The parties quickly settled the matter and Blackout filed a voluntary dismissal with prejudice. FTL then filed a motion to seal, seeking to seal the case, prohibiting public access to the documents filed in the case and the names of the parties. In its motion, FTL asserted that sealing the entire case was warranted pursuant to the Rules Governing Sealing and Redacting Court Records (SRCR) 3(4)(h) because the parties quickly resolved the case; FTL's reputation could be damaged if potential clients discovered the case, despite the fact that it was a mere misunderstanding between the parties; FTL was involved in other litigation and believed the opposing parties in that case may attempt to contact Blackout to "harass and/or coerce them;" and because FTL had partnerships with politically driven companies and wanted to prevent any inquiries into this matter. The district court denied the motion without a hearing, concluding that it did not find FTL's stated

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reasons for sealing the case to be compelling circumstances. This appeal followed.

On appeal, FTL challenges the district court's order denying its motion, asserting that the district court abused its discretion in denying its motion without a hearing as it presented compelling reasons to seal the case. "All court records in civil actions are available to the public, except as otherwise provided in [the SRCR] or by statute." SRCR 1(3). And pursuant to SRCR 3(4), the district court may seal records in a civil action if it finds compelling circumstances demonstrating that privacy or safety interests outweigh the public's interest in access to the court record.

Here, the district court considered FTL's stated reasons for requesting to seal the case but concluded that they were insufficient to demonstrate compelling circumstances warranting the same. And based on our review of the record, we cannot conclude that the district court abused its discretion in making this determination. *See* SRCR 3(4) (providing that "[t]he court *may* order the court files and records . . . in a civil action to be sealed or redacted" if certain findings are made) (emphasis added); *City of Henderson v. Eighth Judicial Dist. Court*, 137 Nev., Adv. Op. 26, 489 P.3d 908, 911 (2021) (explaining that the appellate courts review discretionary determinations for an abuse of discretion). Moreover, regardless of whether FTL's stated reasons for seeking sealing were sufficient to demonstrate compelling circumstances under SRCR 3(4), its motion was otherwise deficient, such that the district court did not abuse its discretion in denying it, as the motion impermissibly sought to seal the entire case. SRCR 3(5)(c) (providing that "[u]nder no circumstances shall the court seal an entire court file" and that, at a minimum, the names of the parties and certain other information must be available for public viewing).

As to FTL's assertion that the district court abused its discretion in denying its motion without a hearing, we likewise discern no basis for relief as the district court is not required to hold a hearing on such a motion. SRCR 3(3) ("The court *may* conduct a hearing on a motion to seal or redact a court record." (emphasis added)); EDCR 2.23(c) (providing that the district court may consider motions on the merits at any time without oral argument).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.

_____, C.J.
Gibbons

_____, J.
Tao

_____, J.
Bulla

cc: Hon. Adriana Escobar, District Judge
       Michael H. Singer, Settlement Judge
       Wiley Petersen
       Reza Athari & Associates, PLLC
       Eighth District Court Clerk