

IN THE SUPREME COURT OF THE STATE OF NEVADA

PIERRE HASCHEFF, AN
INDIVIDUAL,

Appellant/Cross-Appellant,

vs.

LYNDA HASCHEFF, AN
INDIVIDUAL,

Respondent/Cross-Appellant.

Case No. 86976

Electronically Filed
Nov 16 2023 03:37 PM
Elizabeth A. Brown
Clerk of Supreme Court

MOTION TO SEAL PORTIONS OF APPELLANT'S APPENDIX

Appellant Pierre Hascheff moves this Court for leave to file certain, limited portions of the Appellant's Appendix under seal as these pages contain billing entries protected by the attorney-client privilege and work product privilege. Pursuant to SRCR 3(4), a party may seek leave of Court to file privileged, confidential information under seal.

Appellant seeks leave to file Notice of Filing Invoices and December 26, 2018 Complaint (Confidential), 6 AA 1422-1458 under seal pursuant to the district court's Order After Status Hearing ordering these invoices and complaint (with attorney work product on its face) be filed under seal. *See Exhibit 1* (9.29.22 Order After Status Hearing).¹

¹ This order is also found in the appendix at 6 AA 1419-1421.

Appellant also seeks leave to file Notice of Filing Wilfong Affidavit, 7 AA 1504-1583 under seal as this contains unredacted invoices from Respondents' counsel which are protected by the attorney-client privilege. These invoices were filed under seal pursuant to a stipulated confidentiality order attached as **Exhibit 2.**²

Accordingly, Appellant requests that the identified pages and volumes above of Appellant's Appendix be filed with redactions.

DATED this 16th day of November, 2023

FENNEMORE CRAIG, P.C.

/s/Therese M. Shanks

Therese M. Shanks

Nevada Bar No. 12890

7800 Rancharrah Parkway

Reno, NV 89511

(775) 788-2257

tshanks@fennemorelaw.com

Attorney for Appellant/Cross-Appellant

² This order is also found in the appendix at 7 AA 1656-1658.

CERTIFICATE OF SERVICE

Pursuant to Rule 25(b) of the Nevada Rules of Appellate Procedure, I hereby certify that I am an employee of Fennemore Craig, P.C. and that on this date, I served a true and correct copy of the attached document through the Court's e-filing system:

Debbie A. Leonard, Esq.
Nevada State Bar No. 8260
Leonard Law, PC
955 S. Virginia Street, Suite 220
Reno, Nevada 89502

*Attorneys for Respondent/
Cross-Appellant*

DATED this 16th day of November, 2023.

/s/ Diana L. Wheelen
An Employee of Fennemore Craig, P.C.

EXHIBIT 1

EXHIBIT 1

1 CODE

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IN THE FAMILY DIVISION

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OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

8

IN AND FOR THE COUNTY OF WASHOE

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PIERRE A. HASCHEFF,

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Plaintiff,

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Case No. DV13-00656

13

vs.

Dept. No.12

14

LYNDA HASCHEFF,

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Defendant.

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ORDER AFTER STATUS HEARING

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This matter came before the Court on September 28, 2022, by audio visual means pursuant to the Administrative Order entered March 16, 2020, and Nevada Supreme Court Rule Part IX-B. The hearing was set for a status hearing pursuant to the Order Setting Status Hearing entered August 12, 2022. Plaintiff, Pierre Hascheff, was present represented by Stephen Kent, Esq. Defendant, Lynda Hascheff, was present represented by Shawn B. Meador, Esq.

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At the hearing, Mr. Kent stated the reimbursement of fees due to Mr. Hascheff by Ms. Hascheff will need to be determined. Mr. Kent stated paragraph 40 of the parties' Marital Settlement Agreement (MSA) entered September 30, 2013 is ambiguous with regard to recoverable fees. He stated there are other provisions in the MSA regarding the recovery of expenses and fees that may need to be addressed. He requested a hearing be set where testimony could be provided regarding the issues in this case. Mr. Kent offered to provide a copy of the unredacted invoices that reflect the fees incurred by Mr. Hascheff for both the collateral matter and the malpractice action to

1 the Court and Ms. Hascheff if a protective order could be entered regarding the confidentiality of
2 the documents as there are other ongoing litigations that could be affected by those disclosures.

3 Mr. Meador argued a hearing would only cause delay and more legal fees for Ms. Hascheff
4 and is not necessary to address the issues in the case. Mr. Meador stated he requested a copy of the
5 unredacted invoices to determine the actual fees incurred by Mr. Hascheff directly related to the
6 malpractice action that were not covered by insurance multiple times. He has not received those
7 documents as of this hearing. He also stated a determination needs to be made on who the
8 prevailing party was entitled to fees and he believes Ms. Hascheff was the prevailing party on all
9 issues. Mr. Meador disagreed with Mr. Kent regarding the order of remand and stated paragraph 40
10 of the MSA was very clear and unambiguous in that any recoverable fees must arise from a
11 malpractice action only and not any collateral actions. Mr. Meador did not object to signing a
12 stipulation for a protective order in order to receive a copy of the unredacted invoices.

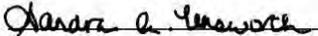
13 Based on the foregoing and good cause appearing, the Court enters the following Orders:

14 1. The parties shall file with the Court and exchange a copy of the unredacted invoices that
15 reflect the fees incurred by Mr. Hascheff along with the signed stipulation related to the protective
16 order to maintain the confidentiality of the unredacted invoices by October 12, 2022. If this cannot
17 be completed by that date, counsel shall appear for a status hearing on October 12, 2022 by audio
18 visual means. A Zoom link will be provided to counsel upon the status hearing being set.

19 2. Thereafter, Mr. Hascheff shall file with the Court a brief three-page statement no later
20 than October 31, 2022, related to his claims of ambiguity of paragraph 40 of the MSA. Ms.
21 Hascheff shall file her brief three-page response no later than two weeks thereafter. A reply shall
22 not be filed and counsel shall submit their statements to the Court. Thereafter, the Court will then
23 enter an order on how to proceed.

24 **GOOD CAUSE APPEARING, IT IS SO ORDERED.**

25 Dated this 29 day of September 2022.

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Sandra A. Unsworth
District Judge

28 DV13-00656

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CERTIFICATE OF SERVICE

Pursuant to NRCp 5(b), I certify that I am an employee of the Second Judicial District Court in and for the County of Washoe, and that on September 29, 2022, I deposited in the county mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, or by e-filing, a true copy of the foregoing document addressed as follows:

ELECTRONIC FILING:

**STEPHEN KENT, ESQ. for PIERRE HASCHEFF
SHAWN MEADOR, ESQ. for LYNDA HASCHEFF**



Judicial Assistant

EXHIBIT 2

EXHIBIT 2

1 Code: 3980
2 SHAWN B MEADOR
3 NEVADA BAR NO. 338
4 WOODBURN AND WEDGE
5 6100 Neil Road, Suite 500
6 Post Office Box 2311
7 Reno, Nevada 89505
8 Telephone: (775) 688-3000
9 Facsimile: (775) 688-3088
10 smeador@woodburnandwedge.com
11 Attorneys for Lynda Hascheff

8 IN THE FAMILY DIVISION

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

10 IN AND FOR THE COUNTY OF WASHOE

11 PIERRE A. HASCHEFF ,
12
13 Plaintiff,
14 v.
15 LYNDA L. HASCHEFF ,
16 Defendant .

CASE NO. DV13-00656

DEPT. NO. 12

17 **STIPULATION AND ORDER REGARDING ATTORNEY CLIENT PRIVILEGE**

18 Plaintiff, Pierre Hascheff, and defendant, Lynda Hascheff, by and through their
19 undersigned counsel, stipulate and agree as follows:
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21 1. On February 17, 2023, this Court entered its Order Regarding Indemnification
22 of Fees and Costs Under MSA §40; Order Regarding Prevailing Party Under MSA §35.1
23 pursuant to which the Court authorized Ms. Hascheff to file a *Wilfong* affidavit.

24 2. Ms. Hascheff filed her *Wilfong* affidavit on March 10, 2023. Ms. Hascheff
25 attached redacted copies of her billing invoices to her *Wilfong* affidavit.
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1 3. Mr. Hascheff filed his Opposition/Response to Wilfong Affidavit on March 24,
2 2023. Among other things, Mr. Hascheff argued that he could not fully and fairly evaluate the
3 redacted billing invoices.

4 **Based on the foregoing, and good cause therefore, the parties STIPULATE AND**
5 **AGREE AS FOLLOWS:**
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7 1. Ms. Hascheff's counsel will provide Mr. Hascheff's counsel with copies of the
8 billing invoices that are not redacted (other than with respect to one conversation counsel had
9 with Ms. Hascheff's appellate counsel).

10 2. Ms. Hascheff's production of unredacted invoices shall not constitute a waiver
11 of her attorney client privilege with respect to any matter. The unredacted invoice shall be
12 treated as disclosures of non-confidential information that are not protected by the attorney
13 client privilege.

14 3. Upon review of Ms. Hascheff's unredacted invoices, if Mr. Hascheff believes
15 it is necessary or appropriate for him to do so, he will have the opportunity to file a
16 Supplemental Opposition/Response to Wilfong Affidavit. Any such Supplemental
17 Opposition shall be filed within one week of the date on which he receives copies of the
18 unredacted invoices.
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20 4. If Mr. Hascheff does not believe it is necessary or appropriate for him to file a
21 Supplemental Opposition, in her Reply in Support of Wilfong Affidavit, Ms. Hascheff may
22 refer to this Stipulation to address the concerns Mr. Hascheff expressed in his Opposition
23 regarding the redacted invoices.
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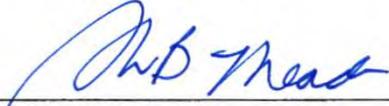
25 **Affirmation Pursuant to NRS 239B.030**

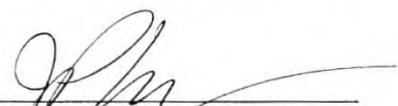
26 The undersigned affirms that this document does not contain the personal information
27 of any party.

1 **APPROVED AS TO FORM AND CONTENT:**

2 DATED this 4th day of April, 2023.

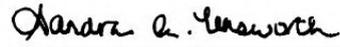
DATED this 3 day of April, 2023.

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4 By 
5 Shawn B Meador, Esq.
6 Attorney for Defendant

By 
John Springgate, Esq.
Attorney for Plaintiff

7 **ORDER**

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9 IT IS SO ORDERED this 7 day of April, 2023.

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11 
12 DISTRICT JUDGE