

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN EGGLESTON, individually,

Appellant,

vs.

CLARK COUNTY DEPARTMENT OF
FAMILY SERVICES,

Respondent.

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Elizabeth A. Brown
Clerk of Supreme Court

No. 87583

**APPELLANT STEVEN EGGLESTON'S MOTION FOR LEAVE
TO FILE APPENDIX DOCUMENTS UNDER SEAL**

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Attorneys for Appellant Steven Eggleston

Appellant STEVEN EGGLESTON hereby moves for leave to file the documents included in all volumes of Appellant Steven Eggleston's Appendix to Opening Brief ("Appellant's Appendix") under seal. This Motion is made and based upon SRCR 3, NRS 432B.280, NRAP 27, the following Memorandum of Points and Authorities, the pleadings and papers on file herein, and any argument presented at the time of hearing on this matter (if any).

MEMORANDUM OF POINTS AND AUTHORITIES

I. PROCEDURAL HISTORY

In the District Court action below – *Steven Eggleston vs. Clark County Department of Family Services*, Carson City District Court Case No. 20 OC 00164 1B ("District Court Action") – Respondent filed an Ex Parte Motion and Order to Seal Court Records. As part of that filing, District Court Judge James E. Wilson entered an Order to Seal Court Records, which reads in pertinent part as follows:

THE COURT HEREBY FINDS that the records in this case contain information deemed confidential pursuant to NRS 432B.280;

THE COURT FURTHER FINDS the public interest in privacy or safety interests outweighs the public interest in open court records because the records in this case are confidential by law;

THE COURT FURTHER FINDS sealing the court records in this case is required by state law;

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In accordance with Part VII of the Supreme Court Rules, and until further Order of this Court, **IT IS HEREBY ORDERED**, that the court records in this case, including the record of proceedings and pleadings, that contain confidential information be SEALED.

Id. at p. 4 (emphasis in original).

Attached hereto as **Exhibit 1** is a true and correct copy of the Docket Sheet of the District Court Action (as of November 1, 2023). The Docket Sheet lists the Ex Parte Motion and Order to Seal Court Records (No. 81, filed February 12, 2021), as well as the Order Denying Our Nevada Judge's Motion to Unseal (No. 31, filed December 22, 2022) and the Order Denying Second Motion to Unseal (No. 20, filed April 28, 2023).

II. LEGAL ARGUMENT

Pursuant to SRCR 3(4), which sets forth grounds to seal or redact court records when a person files a motion requesting same, the public interest in privacy or safety interests outweighing the public interest in open court records include findings that:

- (a) The sealing or redaction is permitted or required by federal or state law;
- (b) The sealing or redaction furthers an order entered under...a protective order entered under NRCR 26(c)...;
- (c) The sealing or redaction furthers an order entered in accordance with federal or state laws that serve to protect the public health and safety;
- (d) The redaction includes only restricted personal information contained in the court record;

...

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

NRS 432B.280, which governs the confidentiality of information maintained by an agency which provides child welfare services, states:

1. Except as otherwise provided in NRS 239.0115, 432B.165, 432B.175 and 439.538 and except as otherwise authorized or required pursuant to NRS 432B.290, information maintained by an agency which provides child welfare services, including, without limitation, reports and investigations made pursuant to this chapter, is confidential.

2. Any person, law enforcement agency or public agency, institution or facility who willfully releases or disseminates such information, except:

(a) Pursuant to a criminal prosecution relating to the abuse or neglect of a child;

(b) As otherwise authorized pursuant to NRS 432B.165 and 432B.175;

(c) As otherwise authorized or required pursuant to NRS 432B.290;

(d) As otherwise authorized or required pursuant to NRS 439.538; or

(e) As otherwise required pursuant to NRS 432B.513, is guilty of a gross misdemeanor.

See State Div. of Child & Family Services, Dept. of Human Res. v. Eighth Judicial Dist. Court of State ex rel. Cnty. of Clark, 119 Nev. 655, 659, 81 P.3d 512, 514 (2003) (confirming the confidentiality of such records subject to statutory exceptions).

Here, Judge Wilson considered SRCR 3(4) and NRS 432B.280 in ordering the entirety of the records in the District Court Action sealed. Thus, the public's interest in privacy or safety interests under SRCR 3(4)(a)-(d) and/or (h) continue to outweigh the public's interest in open court records as to these same records.

Appellant is providing Respondent and the Court with the documents to Appellant's Appendix for this Court to review.

III. CONCLUSION

Based on the foregoing, the Court should grant the Motion and seal all the appendix documents, which remain confidential for a reasonable period of time until the Court rules on the Motion.

DATED this 28th day of March 2024.

CLARK HILL PLLC

By /s/ William D. Schuller, Esq.
PAOLA M. ARMENI, ESQ.
Nevada Bar No. 8357
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1700 S. Pavilion Center Drive, Suite 500
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Attorneys for Appellant Steven Eggleston

CERTIFICATE OF SERVICE

Pursuant to NRAP 25(c)(1)(D), I hereby certify that on March 28, 2024, I caused the foregoing **APPELLANT STEVEN EGGLESTON'S MOTION FOR LEAVE TO FILE APPENDIX DOCUMENTS UNDER SEAL** to be served as follows:

☒ by electronic means

/s/ Clarissa Reyes

An Employee of CLARK HILL PLLC

Exhibit 1

Judge: WILSON JR, JAMES E

Case No. 20 OC 00164 1B
Ticket No.
CTN:

EGGLESTON, STEVEN

By:

CLARK COUNTY

DRSPND

-vs-

By: CLARK COUNTY DISTRICT
ATTORNEY
500 S. GRAND CENTRAL
PARKWAY
LAS VEGAS, NV 89106

Dob: Sex:
Lic: Sid:
CLARK COUNTY DEPARTMENT DRSPND
OF FAMILY SERVICES

By: CLARK COUNTY DISTRICT
ATTORNEY
500 S. GRAND CENTRAL
PARKWAY
LAS VEGAS, NV 89106

Dob: Sex:
Lic: Sid:

Plate#: Accident:
Make:
Year:
Type:
Venue:
Location:

EGGLESTON, STEVEN

PLNTPET

Bond:
Type:

Set:
Posted:

Charges:

Ct. Offense Dt: Cvr:
Arrest Dt:
Comments:

Ct. Offense Dt: Cvr:
Arrest Dt:
Comments:

Sentencing:

No.	Filed	Action	Operator	Fine/Cost	Due
1	10/20/23	NOTICE OF ENTRY OF ORDER	1BCCOOPER	0.00	0.00
2	10/13/23	AMENDED ORDER DENYING PETITION FOR JUDICIAL REVIEW	1BPETERSON	0.00	0.00
3	09/15/23	RESPONDENTS SUPPLEMENTAL BRIEF IN RESPONSE TO ORDER FOR LIMITED REMAND FILED MAY 26, 2023	1BCCOOPER	0.00	0.00
4	08/28/23	PETITIONER STEVE EGGLESTON'S SUPPLEMENTAL POINTS AND AUTHORITY	1BPETERSON	0.00	0.00
5	07/19/23	AMENDED APPEAL HEARING DECISION IN RESPONSE TO ORDER OF MAY 26, 2023	1BCCOOPER	0.00	0.00
6	07/13/23	CERTIFICATE OF SERVICE	1BCCOOPER	0.00	0.00
7	07/03/23	PETITIONER STEVE EGGLESTONS SUPPLEMENTAL BRIEF	1BCCOOPER	0.00	0.00
8	06/21/23	RECORD OF THE ADMINISTRATIVE PROCEEDING - VOLUME X (CC 0805 TO CC 0833)	1BPETERSON	0.00	0.00
9	06/21/23	RECORD OF THE ADMINISTRATIVE PROCEEDING - VOLUME IX (CC 0709 TO CC 0804)	1BPETERSON	0.00	0.00
10	06/21/23	RECORD OF THE ADMINISTRATIVE PROCEEDING - VOLUME VIII (CC 0614 TO CC 0708)	1BPETERSON	0.00	0.00
11	06/21/23	RESPONDENT'S SUPPLEMENTAL BRIEF AND EXHIBITS IN RESPONSE TO JUDGE'S INQUIRING OF MAY 24, 2023	1BPETERSON	0.00	0.00
12	05/31/23	HEARING HELD: The following event: MOTION HEARING - CIVIL scheduled for 05/24/2023 at 3:45 pm has been resulted as follows: Result: HEARING HELD Judge: WILSON JR, JAMES E Location: DEPT II	1BVANESSA	0.00	0.00
13	05/26/23	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
14	05/26/23	ORDER FOR LIMITED REMAND	1BCCOOPER	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
15	05/24/23	TRIAL DATE MEMO	1BCCOOPER	0.00	0.00
16	05/08/23	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
17	05/08/23	ORDER FOR PROPOSED ORDER	1BCCOOPER	0.00	0.00
18	05/04/23	REQUEST FOR SUBMISSION	1BPETERSON	0.00	0.00
19	04/28/23	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BSBARAJAS	0.00	0.00
20	04/28/23	ORDER DENYING SECOND MOTION TO UNSEAL	1BSBARAJAS	0.00	0.00
21	04/24/23	REQUEST FOR SUBMISSION OF SECOND MOTION TO UNSEAL	1BSBARAJAS	0.00	0.00
22	04/24/23	REPLY TO OPPOSITION TO SECOND MOTION TO UNSEAL	1BSBARAJAS	0.00	0.00
23	04/17/23	PETITIONER STEVE EGGLESTON'S REPLY BRIEF	1BSBARAJAS	0.00	0.00
24	03/31/23	NOTICE OF CHANGE OF ADDRESS	1BPETERSON	0.00	0.00
25	03/29/23	OPPOSITION TO SECOND MOTION TO UNSEAL	1BCCOOPER	0.00	0.00
26	03/16/23	RESPONDENT'S ANSWERING BRIEF	1BPETERSON	0.00	0.00
27	03/14/23	SECOND MOTION TO UNSEAL	1BCCOOPER	0.00	0.00
28	01/30/23	PETITIONER STEVE EGGLESTON'S OPENING BRIEF	1BPETERSON	0.00	0.00
29	01/06/23	NOTICE OF ENTRY OF STIPULATED SCHEDULING ORDER REGARDING PETITION FOR JUDICIAL REVIEW	1BCCOOPER	0.00	0.00
30	12/22/22	ORDER DENYING EGGLESTON'S MOTION FOR ACCESS	1BPETERSON	0.00	0.00
31	12/22/22	ORDER DENYING OUR NEVADA JUDGE'S MOTION TO UNSEAL	1BPETERSON	0.00	0.00
32	12/22/22	STIPULATED SCHEDULEING ORDER REGARDING PETITION FOR JUDICIAL REVIEW	1BPETERSON	0.00	0.00
33	12/16/22	NOTICE OF ENTRY OF ORDER DENYING MOTION TO DISMISS PETITION FOR JUDICIAL REVIEW	1BCCOOPER	0.00	0.00
34	12/13/22	MEMORANDUM OF TEMPORARY ASSIGNMENT - HONORABLE JUDGE CHUCK WELLER	1BVANESSA	0.00	0.00
35	12/13/22	HEARING HELD: The following event: MOTION HEARING - CIVIL scheduled for 12/13/2022 at 3:15 am has been resulted as follows: Result: HEARING HELD Judge: WILSON JR, JAMES E Location: DEPT II	1BJHIGGINS	0.00	0.00
36	12/12/22	TRIAL DATE MEMO	1BJULIEH	0.00	0.00
37	12/08/22	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
38	12/08/22	ORDER DENYING MOTION TO DISMISS PETITION FOR JUDICIAL REVIEW	1BCCOOPER	0.00	0.00
39	12/05/22	MEMORANDUM OF TEMPORARY ASSIGNMENT - SENIOR JUDGE CHUCK WELLER TO REVIEW THE PARTIES POINTS AND AUTHORITES REGARDING UNSEALINGTHE ADMINISTRATIVE HEARING RECORD THAT IS SUBJECT OF THIS JUDICIAL REVIEW.	1BVANESSA	0.00	0.00
40	11/04/22	ORDER FOR APPOINTMENT OF SENIOR JUDGE OR SENIOR JUSTICE AS MASTER	1BVANESSA	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
41	11/01/22	HEARING HELD: The following event: ORDER TO SHOW CAUSE HEARING scheduled for 10/26/2022 at 10:00 am has been resulted as follows: Result: HEARING HELD Judge: WILSON JR, JAMES E Location: DEPT II	1BVANESSA	0.00	0.00
42	10/31/22	REQUEST FOR SUBMISSION	1BPETERSON	0.00	0.00
43	10/25/22	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
44	10/25/22	ORDER GRANTING MEDIA REQUEST	1BCCOOPER	0.00	0.00
45	10/19/22	NOTICE OF NON-OPPOSITION TO NEVADAJUDGE'S MEDIA REQUEST UNDER SUPREME COURT RULE 230	1BPETERSON	0.00	0.00
46	10/18/22	REQUEST FOR SUBMISSION	1BCCOOPER	0.00	0.00
47	10/18/22	RESPONSE IN OPPOSITION TO OBJECTION TO MEDIA REQUEST TO ALLOW CAMERAS IN THE COURTROOM	1BCCOOPER	0.00	0.00
48	10/17/22	OBJECTION TO MEDIA REQUEST TO ALLOW CAMERAS IN THE COURTROOM	1BCCOOPER	0.00	0.00
49	10/12/22	NOTICE OF ENTRY OF ORDER	1BPETERSON	0.00	0.00
50	10/07/22	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
51	10/07/22	ORDER SETTING BRIEFING SCHEDULE	1BCCOOPER	0.00	0.00
52	10/07/22	HEARING HELD: The following event: STATUS CHECK scheduled for 10/06/2022 at 4:00 am has been resulted as follows: Result: HEARING HELD Judge: WILSON JR, JAMES E Location: DEPT II	1BJHIGGINS	0.00	0.00
53	10/06/22	TELEPHONE CONFERENCE MEMO	1BJHIGGINS	0.00	0.00
54	10/03/22	REQUEST FOR SUBMISSION	1BCCOOPER	0.00	0.00
55	09/19/22	NOTICE OF INTENT TO APPEAR BY SIMULTANEOUS AUDIOVISUAL TRANSMISSION EQUIPMENT FOR THE CLARK COUNTY DEPARTMENT OF FAMILY SERVICES SHOW CAUSE HEARING ON OCTOBER 26, 2022	1BCCOOPER	0.00	0.00
56	08/24/22	NOTICE OF INTENT TO APPEAR BY SIMULTANEOUS AUDIOVISUAL TRANSMISSION EQUIPMENT	1BPETERSON	0.00	0.00
57	08/15/22	NOTICE OF ENTRY OF ORDERS	1BPETERSON	0.00	0.00
58	08/08/22	MEDIA REQUEST TO ALLOW CAMERAS IN THE COURTROOM	1BPETERSON	0.00	0.00
59	08/05/22	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BPETERSON	0.00	0.00
60	08/05/22	ORDER TO UNSEAL CERTAIN RECORDS	1BPETERSON	0.00	0.00
61	08/05/22	ORDER FOR CLARK COUNTY DEPARTMENT OF FAMILY SERVICES TO APPEAR AND SHOW CAUSE	1BPETERSON	0.00	0.00
62	08/01/22	AMENDED REQUEST FOR SUBMISSION OF MOTION TO UNSEAL	1BSBARAJAS	0.00	0.00
63	08/01/22	REPLY TO RESPONSE TO MOTION TO UNSEAL	1BSBARAJAS	0.00	0.00
64	07/28/22	REQUEST FOR SUBMISSION OF MOTION TO UNSEAL	1BPETERSON	0.00	0.00
65	07/20/22	REQUEST FOR SUBMISSION	1BPETERSON	0.00	0.00
66	07/20/22	OPPOSITION TO MOTION TO UNSEAL	1BPETERSON	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
67	07/20/22	NOTICE OF APPEARANCE	1BPETERSON	0.00	0.00
68	07/06/22	MOTION TO UNSEAL	1BPETERSON	0.00	0.00
69	06/14/22	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
70	06/14/22	ORDER FOR PROPOSED ORDER	1BCCOOPER	0.00	0.00
71	06/10/22	REQUEST FOR SUBMISSION	1BCCOOPER	0.00	0.00
72	06/10/22	REQUEST FOR SUBMISSION	1BCCOOPER	0.00	0.00
73	06/08/22	REPLY TO PETITIONER STEVE EGGLESTONS MOTION FOR ACCESS TO DOCKET PLEADINGS RECORD AND TRANSCRIPTS	1BCCOOPER	0.00	0.00
74	06/08/22	REPLY TO PETITIONER STEVE EGGLESTONS MOTION TO LIFT STAY	1BCCOOPER	0.00	0.00
75	05/23/22	PETITIONER STEVE EGGLESTONS MOTION FOR ACCESS TO DOCKET PLEADINGS RECORD AND TRANSCRIPTS	1BCCOOPER	0.00	0.00
76	05/23/22	PETITIONER STEVE EGGLESTONS MOTION TO LIFT STAY	1BCCOOPER	0.00	0.00
77	02/28/22	NOTICE OF APPEARANCE	1BPETERSON	0.00	0.00
78	02/17/21	OPPOSITION TO STEVEN EGGLESTON'S MOTION TO STRIKE BOTH MOTIONS TO DISMISS AND TO STAY PROCEEDINGS PENDING RESOLUTION OF RELATED NEVADA SUPREME COURT CASE (2)	1BPETERSON	0.00	0.00
79	02/12/21	CONFIDENTIAL CASE CONFIDENTIAL created on: 02/12/2021 For: EGGLESTON, STEVEN	1BPETERSON	0.00	0.00
80	02/12/21	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BPETERSON	0.00	0.00
81	02/12/21	EX PARTE MOTION AND ORDER TO SEAL COURT RECORDS	1BPETERSON	0.00	0.00
82	02/11/21	RECORD OF THE ADMINISTRATIVE PROCEEDING-VOLUME VII (CC 0606 TO CC 0613)	1BPETERSON	0.00	0.00
83	02/11/21	RECORD OF THE ADMINISTRATIVE PROCEEDING-VOLUME VI (CC 0505 TO CC 0605)	1BPETERSON	0.00	0.00
84	02/11/21	RECORD OF THE ADMINISTRATIVE PROCEEDING-VOLUME V (CC 0404 TO CC 0504)	1BPETERSON	0.00	0.00
85	02/11/21	RECORD OF THE ADMINISTRATIVE PROCEEDING-VOLUME IV (CC 0303 TO CC 0403)	1BPETERSON	0.00	0.00
86	02/11/21	RECORD OF THE ADMINISTRATIVE PROCEEDING-VOLUME III (CC 0202 TO CC 0302)	1BPETERSON	0.00	0.00
87	02/11/21	RECORD OF THE ADMINISTRATIVE PROCEEDING-VOLUME II (CC 0101 TO CC 0201)	1BPETERSON	0.00	0.00
88	02/11/21	RECORD OF THE ADMINISTRATIVE PROCEEDING-VOLUME I (CC 0001 TO CC 0100)	1BPETERSON	0.00	0.00
89	02/09/21	REPLY TO OPPOSITION TO CLARK COUNTY DEPARTMENT OF FAMILY SERVICES MOTION TO DISMISS PETITION FOR JUDICIAL REVIEW	1BJHIGGINS	0.00	0.00
90	02/03/21	MOTION TO EXCEED PAGE LIMIT FOR MOTION TO STRIKE BOTH MOTIONS TO DISMISS AND TO STAY PROCEEDINGS PENDING RESOLUTION OF RELATED NEVADA SUPREME COURT CASE	1BJHIGGINS	0.00	0.00
91	02/03/21	MOTION TO STRIKE BOTH MOTIONS TO DISMISS AND TO STAY PROCEEDINGS PENDING RESOLUTION OF RELATED NEVADA SUPREME COURT CASE	1BJHIGGINS	0.00	0.00
92	02/03/21	OPPOSITION TO MOTIONS TO DISMISS	1BJHIGGINS	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
93	01/27/21	ERRATA TO CLARK COUNTY DEPARTMENT OF FAMILY SERVICES MOTION TO DISMISS PETITION FOR JUDICIAL REVIEW	1BCCOOPER	0.00	0.00
94	01/27/21	STATEMENT OF INTENT TO PARTICIPATE	1BPETERSON	0.00	0.00
95	01/26/21	ERRATA TO CLARK COUNTY DEPARTMENT OF FAMILY SERVICES MOTION TO DISMISS PETITION FOR JUDICIAL REVIEW	1BPETERSON	0.00	0.00
96	01/26/21	STATEMENT OF INTENT TO PARTICIPATE	1BPETERSON	0.00	0.00
97	01/13/21	CLARK COUNTY DEPARTMENT OF FAMILY SERVICES MOTION TO DISMISS PETITION FOR JUDICAIL REVIEW	1BPETERSON	0.00	0.00
98	01/08/21	CERTIFICATE OF MAILING (2)	1BCCOOPER	0.00	0.00
99	01/08/21	AFFIDAVIT OF SERVICE (2)	1BCCOOPER	0.00	0.00
100	12/17/20	ISSUING SUMMONS	1BSBARAJAS	0.00	0.00
101	12/17/20	MOTIONS TO SEAL AND REMAND FOR A LEGALLY COMPLAINT FAIR HEARING, AND FILING OF COPY OF ORDERS FOR WHICH APPELLANT SEEKS JUDICIAL REVIEW	1BSBARAJAS	0.00	0.00
102	11/19/20	ORDER	1BPETERSON	0.00	0.00
103	11/17/20	PETITION FOR JUDICIAL REVIEW (NRS 213B.130) Receipt: 67598 Date: 11/18/2020	1BPETERSON	265.00	0.00
Total:				265.00	0.00
Totals By: COST				265.00	0.00
INFORMATION				0.00	0.00
*** End of Report ***					