

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLARK COUNTY AND GEORGINA
STUART

Petitioners,

v.

EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF
CLARK; THE HONORABLE SUSAN
JOHNSON, DISTRICT JUDGE,

Respondent.

and

STEVE EGGLESTON, an individual,

Real Party-In-Interest.

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Elizabeth A. Brown
Clerk of Supreme Court

CASE NO. 87906

DISTRICT COURT CASE NO.
A-16-748919-C

**PETITIONER CLARK COUNTY'S MOTION FOR LEAVE TO FILE
SUPPLEMENTAL WRIT APPENDIX DOCUMENTS UNDER SEAL**

COMES NOW Petitioner CLARK COUNTY, by and through its counsel of record of the law firm of OLSON CANNON & GORMLEY, and hereby seeks leave of this Court to file two Exhibits to Petitioner's Reply to Answer to Emergency Petition For Writ Of Mandamus and Supplement to Writ Appendix Documents under Seal pursuant to the Nevada Rules for Sealing and Redacting Court Records (SRCR) and NRS 432B.280, and the Eighth Judicial District Court's Protective Order, and Orders sealing: (1) page 189 of Alexis Rodriguez's deposition transcript that was an Exhibit to Petitioner's Motion for Summary

Judgment (MSJ) that was inadvertently left out from Exhibit O – containing Alexis Rodriguez’s testimony re what was going on in the home during the pendency of the CPS Investigation and conveyed to CPS – marked as EXH784; and (2) the First Judicial District Court’s Record of the Administrative Proceeding sealed supporting the FJDC’s 10/13/23 Order to Defendant’s Reply to Writ thereto – marked as EXH780-783;

On 1/19/24, this Court entered an Order (footnote 1) Sealing four Volumes of Appendices of Sealed Exhibits in support of the Emergency Writ, including other pages of Ms. Rogriguez’s Deposition (EXH105-118) and Plaintiff’s Exhibit 19 another Order of the FJDC (WRIT 145:4-10;EXH771-75). This Motion is made and based upon all the pleadings and papers on file herein, the attached points and authorities, and any oral argument which the Court may choose to entertain.

Petitioner understands that “[h]istorically, courts have recognized a general right to inspect and copy public records and documents, including judicial records and documents” and a motion to seal documents that are part of the judicial record, or filed in connection with a dispositive motion, as they are here, must meet the “compelling reasons” standard outlined in Kamakana v. City & Cnty. of Honolulu, 447 F.3d 1172, 1178 (9th Cir.2006); Williams v. Nevada Dep't of Corr.,

2014 WL 3734287, at *1 (D. Nev. July 29, 2014). A party seeking to seal judicial records must show that “compelling reasons supported by specific factual findings...outweigh the general history of access and the public policies favoring disclosure.” Id. citing Kamakana, 447 F.3d at 1178–79. The court must weigh relevant factors including “the public interest in understanding the judicial process and whether disclosure of the material could result in improper use of the material for scandalous or libelous purposes or infringement upon trade secrets.” Id. citing Pintos v. Pacific Creditors Ass'n, 605 F.3d 665, 679 n. 6 (9th Cir.2010).

Under Rule 3(1) of the Nevada Rules Governing Sealing and Redacting,
“[a]ny person may request that the court seal or redact court records for a case.”

Under Rule 3(4), Grounds to Seal or Redact:

the court may order the court files and records 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 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;
- (b) The sealing or redaction furthers an order entered under...a protective order entered under NRCP 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.

Both the United States District Court and this Court have previously recognized that the need to protect the privacy rights of minors, pursuant to Katakana, supra, and/or NRS 432B.280, has qualified as a “compelling reason,” for sealing records in connection with various motions. The Exhibits to Petitioners’ Motion for Summary Judgment thereto contain such information. Balancing the need for the public’s access to information about minors and the confidentiality of DFS records re minors – the need and statutory mandate to maintain the confidentiality of that information and those records weighs in favor of sealing the above Exhibits. A Protective Order was entered in this case by the District Court on 12/11/2021. (Previously filed with this Court on 1/17/24 as Exhibit A to Petitioner’s Emergency Motion for Leave to File Writ Appendix Documents Under Seal.)

Pursuant to the above Orders, NRS 432B.280, Kamakhana, and this Court’s Prior Order Sealing Exhibits, Petitioner respectfully requests that it be granted leave to file the above two Exhibits under seal in their Supplement to Appendix to their Emergency Writ.

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**Petitioner is providing Plaintiff and the Court with the above Exhibits
for this Court to review and requests this Court seal the above Exhibits.**

DATED this 15th day of March, 2024.

/s/ Felicia Galati, Esq.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of March, 2024, I sent via e-mail a true and correct copy of the above and foregoing **PETITIONER CLARK COUNTY'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL WRIT APPENDIX DOCUMENTS UNDER SEAL** upon the following:

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