

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

STATE OF NEVADA,

Appellant,

vs.

JAMES WALTER  
DEGRAFFENREID III,  
DUWARD JAMES HINDLE  
III, JESSE REED LAW,  
MICAHEL JAMES  
MCDONALD, SHAWN  
MICHAEL MEEHAN, EILEEN  
A. RICE,

Respondents.

**CASE NO.** 89064

**Dist. Court No.**

C-23-379122-1

C-23-379122-2

C-23-379122-3

C-23-379122-4

C-23-379122-5

C-23-379122-6

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**APPELLANT STATE OF  
NEVADA'S MOTION FOR LEAVE  
TO FILE SUPPLEMENTAL  
APPENDIX UNDER SEAL**

Appellant State of Nevada moves this Court for leave to file a supplemental appendix under seal. *See* SRCR 3. In the district court, the State filed an unopposed motion seeking leave to file two exhibits under seal: Exhibit 1 and Exhibit 2 to Opposition to Defendants' Motion to Dismiss. *See* 3-App-0466-0472; 5-App-1163. The district court granted the motion. *See* 5-App-1163.

The State initially sought transmission of this exhibit under NRAP 30(d) because the State could not include the sealed exhibits in its appendix given the requirements of SRCR 7. Appellant State of Nevada's Motion for Transmission of Physical Exhibits, *State v. DeGraffenried*, No.

89064, at 2-3(Sept. 4, 2024). But this Court denied that request and indicated that the State “may submit them in an appendix, accompanied by a motion requesting to file them under seal.” Order Granting Motion in Part, *State v. DeGraffenried*, No. 89064, at 2 (Sept. 27, 2024).

Under SRCR 7, “[c]ourt records sealed in the trial court shall be sealed from public access in the Nevada Supreme Court subject to further order of that court.” For that reason, because the district court granted the motion to seal these exhibits, SCRC 7 requires that they remain sealed at this time. Additionally, the exhibits include “restricted personal information,” which means the documents implicate “privacy interests . . . that outweigh the public interest in open court records.” *See* SRCR 2(6); SRCR 3(4)(d). These documents are relevant to this Court’s consideration of the State’s arguments at page 53 of the Opening Brief.

\* \* \*

For the foregoing reasons, the State respectfully requests that this Court grant the State leave to file a supplemental appendix under seal containing the State's under seal submission from the district court, which includes Exhibit 1 and Exhibit 2 to Opposition to Defendants' Motion to Dismiss.

RESPECTFULLY SUBMITTED this 2nd day of October 2024.

AARON D. FORD  
Attorney General

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## CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Nevada Attorney General's Office, and pursuant to NRAP 25(b) and NEFCR 9 I electronically filed the foregoing **APPELLANT STATE OF NEVADA'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL APPENDIX UNDER SEAL** with the Clerk of the Court for the Nevada Supreme Court by using the Nevada Supreme Court's E-Filing System (Eflex) on October 2, 2024. Participants in the case who are registered with Eflex as users will be served by the Eflex system.

*/s/ Amanda White*  
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Amanda White  
AG Supervising Legal Secretary