




1 **OPPS**

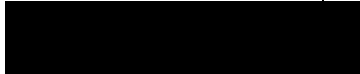

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15 *Attorneys for Defendant*

16 EIGHTH JUDICIAL DISTRICT COURT
17 FAMILY DIVISION
18 CLARK COUNTY, NEVADA

12	) Case No.: D-  C
) Department: I
)
13	Plaintiff,) Hearing date: 4.12.22
) Hearing time: No appearance
14	vs.) required
)
15	) ORAL ARGUMENT NOT
) REQUESTED
16	Defendant.)
)

17 **OPPOSITION TO MOTION TO UNSEAL**

18 **NOW INTO COURT** comes Defendant, 
19 (hereinafter  by and through his attorneys of record, Brandon

1 K. Leavitt, Esq. and Elizabeth Ellison, Esq., of LEAVITT FAMILY LAW
2 GROUP, and hereby submits his *Opposition to Motion to Unseal*.

3 This Opposition is made and based upon the attached Points and
4 Authorities, the Declaration of Defendant attached hereto, all papers and
5 pleadings on file herein, and any oral argument adduced at the hearing of
6 this matter.

7 DATED Friday, March 04, 2022.

8 Respectfully Submitted:

9 LEAVITT FAMILY LAW GROUP

10 /s/ Brandon K. Leavitt, Esq.

11 Brandon K. Leavitt, Esq.

12 Nevada Bar Number: 11834

Elizabeth Ellison, Esq.

13 Nevada Bar Number: 13683

Robert W. Clapp, Esq.

14 Nevada Bar Number: 15521

2520 St. Rose Pkwy., Ste. 101

15 Henderson, Nevada 89074

16 *Attorneys for Defendant*

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. STATEMENT OF FACTS**

3 Plaintiff, [REDACTED] and Defendant,
4 [REDACTED] have never been married. However, these
5 parties carried on a romantic relationship which produced a minor child;
6 to wit: [REDACTED] born [REDACTED] (age 2).

7 [REDACTED] initially sought to have the instant litigation placed under
8 seal on December 13, 2019, due to [REDACTED]'s employment and the
9 sensitive nature of allegations involved. [REDACTED] Motion was granted by
10 Judge Moss on January 8, 2020.

11 On August 23, 2020, [REDACTED] filed a Motion with this Honorable
12 Court making allegations against [REDACTED] that were later clarified as
13 unfounded. Such allegations are of such a nature that even the
14 implication of same could be seriously detrimental to a party if made
15 public. Moreover, should such allegations be made public, and [REDACTED]
16 were exposed to same at a later date, there is foreseeable harm to
17 [REDACTED] relationship with both parties.

18 During the evidentiary hearing in this matter, sensitive topics were
19 also addressed, and testimony given related to said topics that could be
20 detrimental to both the parties and the minor child should it be made
21 public.

1 This Opposition follows.

2 **II. LAW AND ARGUMENT**

3 **A. The Request to Unseal Should Be Denied**

4 **SCRC 4. Grounds to seal or redact; written findings required.**

5 The court may order the court files and records, or any part thereof,
6 in a civil action to be sealed or redacted, provided the court makes
7 and enters written findings that the specific sealing or redaction is
8 justified by identified compelling privacy or safety interests that
9 outweigh the public interest in access to the court record. The
10 parties' agreement alone does not constitute a sufficient basis for the
11 court to seal or redact court records. The public interest in privacy
12 or safety interests that outweigh the public interest in open court
13 records include findings that:

14 (a) The sealing or redaction is permitted or required by federal or
15 state law;

16 ...

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

19 **EDCR 5.210. Trial and hearings may be private**
20 **pursuant to [NRS 125.080](#).**

21 ...

(e) The court shall retain supervisory power over its own
records and files, including the electronic and video records of
proceedings. Unless otherwise ordered, the record of a private
hearing, or record of a hearing in a sealed case, shall be treated
as confidential and not open to public inspection. Parties,
their attorneys, and such staff and experts as those attorneys
deem necessary are permitted to retain, view, and copy the
record of a private hearing for their own use in the
representation. Except as otherwise provided by rule, statute,
or court order, no party or agent shall distribute, copy, or
facilitate the distribution or copying of the record of a private
hearing or hearing in a sealed case (including electronic and
video records of such a hearing). Any person or entity that
distributes or copies the record of a private hearing shall cease
doing so and remove it from public access upon being put on
notice that it is the record of a private hearing.

1 EDCR 5.301 prohibits lawyers and litigants from discussing family
2 court issues, proceedings, pleadings, or papers with any minor child; or
3 allowing any child to review such materials; or “leaving such materials in
4 a place where it is likely or foreseeable that any minor child will access
5 those materials”, or knowingly permitting any other person to do any of
6 the things prohibited by the rule.

7 As noted by Attorney Marshal Willick, the potential and actual harm
8 to a child who is exposed to their parents’ litigation via the internet is hard
9 to overstate.¹ When said litigation includes allegations of a sensitive
10 nature directly involving the minor child, the harm increases
11 exponentially.

12 Allegations have been made in this case which would be detrimental
13 to both the parties and the minor child should they be made public,
14 regardless of the veracity of same. Therefore, it is imperative that the seal
15 remain on the instant litigation for the privacy of not only the parties, but
16 for the sake of the minor child.

17 ...

18 ...

19 ...

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¹ <https://www.willicklawgroup.com/vol-73-closed-hearings-sealed-files-privacy-and-public-access-why-the-rules-are-the-way-they-are-and-what-they-should-be-going-forward/>

1 **III. CONCLUSION**

2 Based on the foregoing, [REDACTED] respectfully requests this
3 Honorable Court deny the Motion to Unseal.

4 Dated Friday, March 04, 2022.

5 Respectfully Submitted:

6 LEAVITT FAMILY LAW GROUP

7 /s/ Brandon K. Leavitt, Esq.

8 Brandon K. Leavitt, Esq.
9 Nevada Bar Number: 11834
10 Elizabeth Ellison, Esq.
11 Nevada Bar Number: 13683
12 Robert W. Clapp, Esq.
13 Nevada Bar Number: 15521
14 2520 St. Rose Pkwy, Ste. 101
15 Henderson, NV 89074
16 *Attorneys for Defendant*

1 **DECLARATION OF** [REDACTED]

2 1. I, [REDACTED] declare that I am competent to testify to
3 the facts contained in the preceding filing.

4 2. I have read the preceding document, and I have personal
5 knowledge of the facts contained therein, unless stated otherwise.
6 Further, the factual averments contained therein are true and correct to
7 the best of my knowledge, except those matters based on information and
8 belief, and as to those matters, I believe them to be true.

9 3. The factual averments contained in the preceding filing are
10 incorporated herein as if set forth in full.

11 I declare under penalty of perjury, under the laws of the State of
12 Nevada and the United States (NRS 53.045 and 28 USC § 1746), that the
13 foregoing is true and correct.

14 EXECUTED this Friday, March 04, 2022.

15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of LEAVITT FAMILY LAW GROUP, that on Friday, March 04, 2022, service of the above and foregoing *Opposition to Motion to Unseal* was made as indicated below:

pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned “In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court,” by mandatory electronic service through the Eighth Judicial District Court’s electronic filing system;

- by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- by electronic mail;
- by hand-delivery with signed Receipt of Copy.

To the party listed below at the address, email address, and/or facsimile number indicated below:

Erick Ferran, Esq.
Attorney for Plaintiff

Alexander M. Falconi
admin@ournevadajudges.com
For Our Nevada Judges

/s/ Kimberly Taylor
An employee of LEAVITT FAMILY LAW GROUP

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Plaintiff/Petitioner
v.

Defendant/Respondent

Case No. _____
Dept. I

**MOTION/OPPPOSITION
FEE INFORMATION SHEET**

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the \$25 or \$0 filing fee in the box below.

<input checked="" type="checkbox"/> \$25	The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
-OR-	
<input type="checkbox"/> \$0	The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:
<input type="checkbox"/>	The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
<input type="checkbox"/>	The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
<input type="checkbox"/>	The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
<input type="checkbox"/>	Other Excluded Motion (must specify) _____.

Step 2. Select the \$0, \$129 or \$57 filing fee in the box below.

<input checked="" type="checkbox"/> \$0	The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:
<input checked="" type="checkbox"/>	The Motion/Opposition is being filed in a case that was not initiated by joint petition.
<input type="checkbox"/>	The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.
-OR-	
<input type="checkbox"/> \$129	The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.
-OR-	
<input type="checkbox"/> \$57	The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

Step 3. Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:					
<input type="checkbox"/> \$0	<input checked="" type="checkbox"/> \$25	<input type="checkbox"/> \$57	<input type="checkbox"/> \$82	<input type="checkbox"/> \$129	<input type="checkbox"/> \$154

Party filing Motion/Opposition: Defendant Date 3/4/2022

Signature of Party or Preparer Elizabeth Ellison, Esq.