

1 **OPP**

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10 Department of Family Services

11 DISTRICT COURT
CARSON CITY, NEVADA

12 Steven Eggleston,

13 Petitioner,

14 vs.

15 Clark County Department of Family
Services,

16 Respondent.

) Case No: 20 OC 00164 1B

) Dept.: II

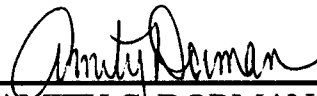
17 **OPPOSITION TO MOTION TO UNSEAL**


18 COMES NOW Clark County Department of Family Services, by STEVEN B.
19 WOLFSON, District Attorney, through his Chief Deputy District Attorney, FELICIA
20 QUINLAN, and submits this OPPOSITION TO MOTION TO UNSEAL.

1 Based upon the attached Points and Authorities Clark County Department of
2 Family Services respectfully prays this Court deny the MOTION TO UNSEAL.

3 Dated this 19th day of July 2022.

4
5 **STEVEN B. WOLFSON**
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1 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT**
2 **OF OPPOSITION TO MOTION TO UNSEAL**

3 **ARGUMENT**

4 NRS 432B.280 provides that “information maintained by an agency which
5 provides child welfare services, including, without limitation, reports and investigations
6 made pursuant to this chapter, is confidential” and must be protected from unauthorized
7 use and dissemination. In this case, both parties have requested the Court seal this case
8 given the confidential information at the center of the controversy in this case. The Court
9 has already considered whether the case should be sealed and made a finding pursuant to
10 Part VII of the Nevada Supreme Court Rules Governing Sealing and Redacting of Court
11 Records (“SRCR”). The movant has failed to meet its burden of establishing that this
12 Court should reconsider its prior findings and/or for other relief, i.e. unsealing the “entire
13 file” or record.

14 The movant provides information regarding a related Eighth Judicial District Case
15 to support the notion that this case should be unsealed. However, that case, Eggleston v.
16 Clark County, D-19-600496-C, is unlike this case. In that case, the Petitioner alleges civil
17 rights, and two tort claims against Clark County and an employee of the County. Here, in
18 contrast, Petitioner seeks judicial review of administrative findings. The parties have
19 relied on the sealed status of this case, to include the record of proceedings and pleadings,
20 so the record on appeal has already been filed into this case. The record on appeal
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1 consists almost entirely of confidential information. Therefore, the prior order to seal the
2 case should remain in place.

3 To the extent that the movant provides examples of various instances when a judge
4 has allowed them to film hearings in family matters, this information should be
5 disregarded by this Court. First, none of the YouTube cites comply with FJDCR 3.25.
6 They are not reduced to writing in compliance with the format prescribed by the rule.
7 Further, this Court and the parties cannot be held to the burden of it combing through
8 YouTube to ascertain whatever it is that the movant is trying to have considered.

9 Second, it is flawed logic to argue that just because something was allowed in a
10 completely different case with different facts and circumstances that it should be allowed
11 in this case. There is no discussion or analysis provided so there is no way to tell if there
12 was litigation or orders entered in those cases and to what degree the parties' consented
13 to the publication of the case. It is inappropriate to ask this Court to draw any connection
14 from random family matters to the instant case based on the mere mention of the cases.
15 Critically, the movant has not cited any case allowing a Judicial Review Petition
16 pertaining to entirely Department of Family Services proceedings, which are confidential,
17 be open to the public, media, etc., and/or that the related record be unsealed.

18 At best, the movant cites to a single case in which a judge allowed them access to a
19 NRS 432B proceeding. However, the argument that this would allow this case to be
20 unsealed is misleading. Primarily, the movant fails to explain that the hearing was a
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1 permanency planning hearing, which has different subject matter and issues at
2 controversy than this case, that is specifically allowed to be open to the public unless the
3 Court makes findings that it is not in the best interest of the child per NRS 432B.430. In
4 addition, the movant fails to explain that an order to allow media/camera access was
5 entered *without objection* for coverage of that hearing.

6 Third, the entire discussion lacks legal analysis. It has been long held that it is the
7 movant's responsibility to present relevant authority and cogent argument for the request
8 to be considered by the court. Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6
9 (1987)(citing Carson v. Sheriff, 87 Nev. 357, 360-61, 487 P.2d 334, 336 (1971) and
10 Freeman v. Town of Lusk, 717 P.2d 331 (Wyo.1986)).

11 Here, the movant simply states that other judges have allowed them to record
12 proceedings. There is no analysis whatsoever how the cases relate to the instant case.
13 This may be because the examples given do not have any relation to this case. Further,
14 there is no authority provided to explain that these cases provide anything that this Court
15 should use in making any determinations in the instant case. Accordingly, the entire
16 discussion of family matters being covered should be disregarded by this Court.

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1 **CONCLUSION**

2 Based on the foregoing, Clark County Department of Family Services respectfully
3 requests this Court deny the Motion to Unseal and related relief filed by the movant.

4 Dated this 19th day of July 2022.

5 **STEVEN B. WOLFSON**
6 **DISTRICT ATTORNEY**

7 By: 
8 **AMITY C. DORMAN**
9 Chief Deputy District Attorney
10 Nevada State Bar No. 9316

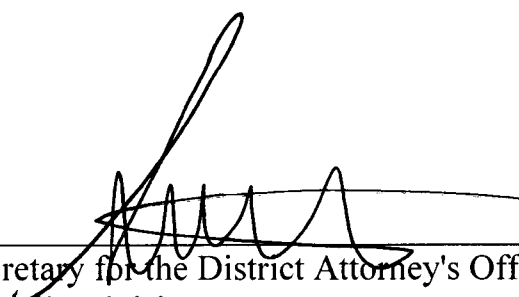
11 By: 
12 **FELICIA QUINLAN**
13 Chief Deputy District Attorney
14 Nevada State Bar No. 11690
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CERTIFICATE OF SERVICE

I hereby certify that service of the above and foregoing was made this 19th day of July, 2022, by mail, addressed to the following:

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Secretary for the District Attorney's Office,
Juvenile Division

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9 Attorneys for Clark County
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10 DISTRICT COURT

11 CARSON CITY, NEVADA

12 Steven Eggleston,)	
13 Petitioner,)	Case No: 20 OC 00164 1B
14 vs.)	
15 Clark County Department of Family)	Dept.: II
Services,)	
16 Respondent.)	

17 **ORDER DENYING MOTION TO UNSEAL**

18 The matter, having come before the Court on a motion to unseal, and the Court,
19 having considered the relevant briefing and legal authorities, and good cause appearing,
20 this Court finds as follows:

1 The Motion to Unseal the Case was filed on July 6, 2022

2 The Opposition to the Motion to Unseal was filed on July 20, 2022

3 The Court previously sealed the case on February 12, 2021, and there has been no
4 analysis provided that the case should be unsealed.

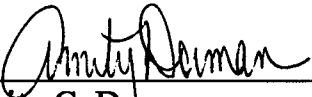
5 IT IS HEREBY ORDERED that the Motion to Unseal Case is DENIED.

6 Dated this _____ day of _____, 2022.
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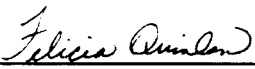
9 _____
DISTRICT COURT JUDGE

10 Respectfully submitted by:

11 **STEVEN B. WOLFSON**
12 **DISTRICT ATTORNEY**

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14 Amity C. Dorman
15 Chief Deputy District Attorney
15 Nevada State Bar No. 9316

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