

1 OFFICE OF THE GENERAL COUNSEL  
 CLARK COUNTY SCHOOL DISTRICT  
 2 DONNA MENDOZA MITCHELL, ESQ.  
 Nevada Bar No. 2755  
 3 JEANNE-MARIE HANNA, ESQ.  
 Nevada Bar No. 8613  
 4 5100 West Sahara Avenue  
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 5 Phone: (702) 799-5373  
 Attorneys for Defendant, CCSD

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 7 UNITED STATES DISTRICT COURT  
 8 DISTRICT OF NEVADA  
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10 Y.N., a minor, by and through  
 11 Guardian Ad Litem and  
 individual, LEONOR GILLAMADRID,

CASE NO.: 2:13-cv-01315-JCM-VCF

12 Plaintiffs,

13 v.

CLARK COUNTY SCHOOL  
DISTRICT'S NOTICE OF MOTION  
AND MOTION FOR LEAVE TO FILE  
UNDER SEAL

14 CLARK COUNTY SCHOOL DISTRICT,

15 Defendant.  
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 19 TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

20 PLEASE TAKE NOTICE that Defendant CLARK COUNTY SCHOOL  
 21 DISTRICT (hereinafter referred to as "CCSD" or "the District"),  
 22 by and through its undersigned attorneys, DONNA MENDOZA MITCHELL,  
 23 Deputy General Counsel, and JEANNE-MARIE HANNA, Assistant General  
 24 Counsel, hereby files this Motion for Leave to File Under Seal.  
 25 This Motion is made and based upon the pleadings and

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1 papers on file herein, the attached points and authorities, and  
2 any arguments which may be presented to the Court.

3 DATED this 9<sup>th</sup> day of December, 2013.

4 CLARK COUNTY SCHOOL DISTRICT  
5 OFFICE OF THE GENERAL COUNSEL

6 By: /s/ Donna Mendoza Mitchell  
7 DONNA MENDOZA MITCHELL, ESQ.  
8 Nevada Bar No. 2755  
9 JEANNE-MARIE HANNA, ESQ.  
10 Nevada Bar No. 8613  
11 5100 W. Sahara Avenue  
12 Las Vegas, NV 89121  
13 *Attorneys for Defendant*

14 **MEMORANDUM OF POINTS AND AUTHORITIES**

15 **I. STATEMENT OF RELEVANT FACTS**

16 On November 15, 2013, Plaintiffs, Y.N., a minor, by and  
17 through his Guardian ad Litem and individual, LEONOR GILLAMADRID,  
18 filed a Motion for Attorney's Fees under the Individuals with  
19 Disabilities Education Act ("IDEA"), 20 U.S.C. §1415(i)(3)(B).

20 On December 6, 2013, the District filed its Opposition to  
21 Motion for Attorney's Fees. See Court Docket #27. Plaintiff  
22 Y.N. is a minor student. Inadvertently, Y.N.'s full name was  
23 included in two exhibits to the Opposition: Exhibit #1 which  
24 consisted of the request for due process hearing; and Exhibit #2  
25 which consisted of a Resolution Agreement. The District hereby  
26 requests that the Court seal the initial version of the  
27 Opposition (Docket #27) and allow the District to refile a  
28 corrected version of the Opposition with the minor student's name  
redacted.

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1 **II. LEGAL ANALYSIS**

2 Rule 5.2 of the Federal Rules of Civil Procedure provides,  
3 with emphasis added:

4 Unless the court orders otherwise, in an electronic or  
5 paper filing with the court that contains . . . the  
6 *name of an individual known to be a minor . . . a party*  
or nonparty making the filing may include only . . .  
the *minor's initials*.

7 In this case, the District inadvertently included the full name  
8 of minor student Y.N. on two exhibits to the District's  
9 Opposition to Plaintiff's Motion for Attorney's Fees. See Court  
10 Docket #27.

11 Under Local Rule 10-5(b), a party may file a motion for  
12 leave to file documents under seal. The motion must be filed in  
13 accordance with the Court's electronic filing procedures.

14 The District hereby requests that the Court grant the  
15 District's Motion for Leave to File Under Seal. Court Docket #27  
16 should be sealed. The District will simultaneously re-file a  
17 corrected image of the Opposition. The corrected image will be  
18 substantively identical with the exception that the minor's full  
19 name will be redacted.

20 **III. CONCLUSION**

21 The District respectfully requests that the Court grant the  
22 District's Motion for Leave to File Under Seal. Specifically,  
23 Court Docket #27 should be sealed. The District also requests

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1 that the Court accept the District's corrected Opposition to  
2 Plaintiffs' Motion for Attorney's Fees that will be filed on this  
3 same date.

4 DATED this 9<sup>th</sup> day of December, 2013.

5  
6 CLARK COUNTY SCHOOL DISTRICT  
OFFICE OF THE GENERAL COUNSEL

7  
8 By: /s/ Donna Mendoza Mitchell  
DONNA MENDOZA MITCHELL, ESQ.  
9 Nevada Bar No. 2755  
JEANNE-MARIE HANNA, ESQ.  
10 Nevada Bar No. 8613  
5100 W. Sahara Avenue  
11 Las Vegas, NV 89121  
Attorneys for Defendant

12 CERTIFICATE OF ELECTRONIC FILING

13 I hereby certify that on the 9<sup>th</sup> day of December, 2013, I  
14 electronically filed the foregoing CLARK COUNTY SCHOOL DISTRICT'S  
15 NOTICE OF MOTION AND MOTION FOR LEAVE TO FILE UNDER SEAL with the  
16 United States District Court, District of Nevada's CM/ECF System  
17 upon Plaintiffs' counsel, Michelle M. Jones, Esq., who is a  
18 registered user.

19 /s/ Eva Martinez  
20 AN EMPLOYEE OF THE CLARK COUNTY  
SCHOOL DISTRICT

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22  
23 **IT IS SO ORDERED.**

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25 UNITED STATES MAGISTRATE JUDGE  
26 **DATED:** 12-10-2013