

1 ADAM PAUL LAXALT  
 Attorney General  
 2 TIFFANY E. BREINIG (Bar No. 9984)  
 Deputy Attorney General  
 3 State of Nevada  
 Office of the Attorney General  
 4 555 East Washington Ave., #3900  
 Las Vegas, Nevada 89101  
 5 (702) 486-3125 (phone)  
 (702) 486-3773 (fax)  
 6 E-mail: tbreinig@ag.nv.gov

7 *Attorneys for Sean Bloomfield,*  
*Tasheena Sandoval, Harold Byrne,*  
 8 *Paul Hunt, Douglas Thrasher,*  
*Brian Williams, and Michael Pichardo*  
 9

10  
 11  
 12 **UNITED STATES DISTRICT COURT**  
 13 **DISTRICT OF NEVADA**

14 LEMAR GANT,

15 Plaintiff,

16 vs.

17 BRIAN WILLIAMS, et al.,

18 Defendants.  
 19

Case No. 2:16-cv-00011-JAD-VCF

**MOTION TO SEAL ECF NO. 36 AND  
 ECF NO. 38 IN ACCORDANCE WITH  
 COURT ORDER (ECF NO. 11)**

20 Defendants Sean Bloomfield, Tasheena Sandoval, Harold Byrne, Paul Hunt,  
 21 Douglas Thrasher, Brian Williams, and Michael Pichardo, by and through counsel, Adam  
 22 Paul Laxalt, Attorney General of the State of Nevada, and Tiffany E. Breinig, Deputy  
 23 Attorney General, hereby move to seal ECF No. 36 and ECF No. 38 in accordance with  
 24 this Court's Order (ECF No. 11) on December 12, 2016. This motion is based on the  
 25 following memorandum of points and authorities and all other papers and pleadings filed  
 26 in this action.

27 ///

28 ///

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. INTRODUCTION

3 This is a civil rights action initiated on July 20, 2016, by Plaintiff LeMar Gant, an  
4 inmate currently incarcerated with the Nevada Department of Corrections (NDOC) and  
5 housed at Southern Desert Correctional Center.

6 On December 12, 2016, this Court ordered the Office of the Attorney General to  
7 “file a notice advising the Court and Plaintiff of: (a) the names of the defendants for whom  
8 it accepts service; (b) the names of the defendants for whom it does not accept service, and  
9 (c) the names of the defendants for whom it is filing the last-known address information  
10 under seal.” ECF No. 11 at 2. The Court further ordered the Office of the Attorney  
11 General to file, under seal, but “not serve the inmate Plaintiff the last known address(es)  
12 of those defendant(s) for whom” it does not accept service. *Id.*

13 On December 29, 2016, Defendants filed the last known address of Defendant Eric  
14 Brcic, who is a former NDOC employee, under seal. ECF No. 13. Defendants also filed a  
15 Notice of Under Seal Submission of Last Known Address, informing Plaintiff that  
16 Defendant Brcic’s last known address was filed under seal with the Court. ECF No. 14.

17 On April 12, 2017, Defendants filed the last known address of Defendant Darnell  
18 Johnson, who is a former NDOC employee, under seal. ECF No. 33. Defendants also filed  
19 a Notice of Under Seal Submission of Last Known Address, informing Plaintiff that  
20 Defendant Johnson’s last known address was filed under seal with the Court. ECF No.  
21 34.

22 On April 12, 2017, a summons was issued for Defendant Brcic. ECF No. 36.

23 On April 18, 2017, a summons was issued for Defendant Johnson. ECF No. 38.

24 Defendants now move to have ECF Nos. 36 and 38 sealed because they contain the  
25 last known addresses of former NDOC employees who have been named defendants in  
26 the above-titled action.

27 ///

28 ///

1 **II. LEGAL ARGUMENT**

2 Courts have recognized a general right of the public to inspect and copy public  
3 records and documents, including judicial records and documents. *Kamakana v. City &*  
4 *Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). A party seeking to seal court  
5 records “must articulate compelling reasons supported by specific factual findings that  
6 outweigh the general history of access and the public policies favoring disclosure. *Id.*  
7 (internal quotation marks omitted).

8 The summonses issued for Defendants Brcic and Johnson include the last known  
9 addresses of both these defendants, rather than indicating the same have been filed  
10 under seal with this Court. See ECF Nos. 36 and 38. This Court’s Order specifically  
11 instructed last known addresses of defendants to be filed under seal and to “not serve the  
12 inmate Plaintiff” with such information. ECF No. 11 at 2. Therefore, Defendants now  
13 move to have these documents sealed in order to remove the Defendants’ personal  
14 information from public record.

15 Further, since the issued summonses were filed in this case, it is presumed that a  
16 copy of the same was mailed to Plaintiff. To the extent that this Court has not yet mailed  
17 a copy of ECF Nos. 36 and 38 to Plaintiff, Defendants respectfully request this Court  
18 consider the privacy of the Defendants and the intent behind this Court’s Order (ECF No.  
19 11) to not provide Plaintiff access to such confidential information, and not mail either  
20 document to Plaintiff without first removing the last known address information.

21 **III. CONCLUSION**

22 Despite being filed under seal, the last known addresses of Defendants Brcic and  
23 Johnson were publicly disclosed when the summonses were issued. Defendants

24 ///

25 ///

26 ///

27 ///

28 ///

1 respectfully request this Court grant Defendant's Motion to Seal ECF No. 36 and ECF  
2 No. 38 in order to protect the confidentiality of Defendants Brcic and Johnson.

3 DATED this 20th day of April, 2017.

4 ADAM PAUL LAXALT  
5 Attorney General

6 By: /s/ Tiffany E. Breinig  
7 TIFFANY E. BREINIG (Bar No. 9984)  
8 Deputy Attorney General  
9 *Attorneys for Defendants*

10  
11  
12 IT IS SO ORDERED.

13   
14  
15 UNITED STATES MAGISTRATE JUDGE  
16 DATED: 4-20-2017

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the State of Nevada, Office of the Attorney  
3 General, and that on April 20, 2017, I electronically filed the foregoing **MOTION TO**  
4 **SEAL ECF NO. 36 AND ECF NO. 38 IN ACCORDANCE WITH COURT ORDER**  
5 **(ECF NO. 11)** via this Court's electronic filing system. Parties who are registered with  
6 this Court's electronic filing system will be served electronically. For those parties not  
7 registered, service was made by depositing a copy for mailing in the United States Mail,  
8 first-class postage prepaid, at Las Vegas, Nevada, addressed to the following:

9 LeMar Gant, #49097  
10 Southern Desert Correctional Center  
11 P.O. Box 208  
12 Indian Springs, Nevada 89070  
13 *Plaintiff, Pro Se*

14 /s/ Carol A. Knight  
15 CAROL A. KNIGHT, an employee of the  
16 Office of the Nevada Attorney General  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28