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 8 *John Mays, and Matthew Sturm*

9  
 10 UNITED STATES DISTRICT COURT  
 11 DISTRICT OF NEVADA

12 JASON ERIC SONNTAG, 13 14 Plaintiff, 15 v. 16 KENNETH GURRIES, et al. 17 Defendants.	) ) ) ) ) ) ) ) ) )	Case No. 3:09-cv-00637-ECR-VPC ORDER GRANTING MOTION TO FILE IN CAMERA AND UNDER SEAL DOCUMENTS IN SUPPORT OF DEFENDANTS' MOTION AND OPPOSITION #88
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18 Defendants, James Baca, James Benedetti, Dave Carroll, Chip Fulcher, Kenneth  
 19 Gurries, James Kelly, John Mays, and Matthew Sturm, by and through counsel, Catherine  
 20 Cortez Masto, Attorney General of the State of Nevada, and Susan E. Lee, Deputy Attorney  
 21 General, move to file Exhibits A, C and G in support of Defendants' Motion for Summary  
 22 Judgment and Opposition to Plaintiff's Motion for Summary Judgment *in camera*. Defendants  
 23 also move to file Exhibits E and F in support of Defendants' Motion for Summary Judgment and  
 24 Opposition to Plaintiff's Motion for Summary Judgment under seal. Defendants file their Motion  
 25 for Summary Judgment and Opposition to Plaintiff's Motion for Summary Judgment  
 26 concurrently herewith.

27 Defendants seek to file Exhibit A, consisting of Nevada Offender Tracking Information  
 28 System (NOTIS) Investigation Detail Report, and Exhibit B, consisting of Plaintiff's NOTIS

1 case notes, *in camera*. These documents are confidential in nature pursuant to  
2 Administrative Regulation 560.03(2)(A) (“access to [inmate record files] should be on a need  
3 to know basis”), 568.05(1) (“normally inmates will not be provided with copies of documents  
4 maintained by the Department”) and 569.02(12) (“Department records, filed and information  
5 pertaining to an individual inmate which are not specifically approved for release in the  
6 regulation are confidential”).

7 Defendants also seek to file Exhibits E and F, consisting of Nevada Department of  
8 Corrections (NDOC) Administrative Regulations (AR) 407 and 405 respectively, *under seal*.  
9 AR 407 outlines the use of handcuffs and restraints. AR 405 outlines the use of force within  
10 the NDOC. The Board of Prison Commissioners has determined that these documents are to  
11 be kept confidential in the interest of safety and security of the institutions, the staff and the  
12 inmates.

13 Finally, Defendants seek to file Exhibit G, consisting of Plaintiff’s medical records, *in*  
14 *camera*. Plaintiff’s medical records are confidential documents pursuant to NRS 629.061 and  
15 Administrative Regulation 639. While a plaintiff may waive that confidentiality, the Plaintiff in  
16 this case has not provided a waiver. Accordingly, Defendants seek to file Plaintiff’s medical  
17 records *in camera* to prevent their entry into the public record and to protect Plaintiff’s  
18 confidentiality. Additionally, Plaintiff is not allowed to have medical records in his cell.

19 Defendants will send a copy of the *in camera* Exhibits A, C, and G to Warm Springs  
20 Correctional Center, where Plaintiff is currently housed, with instructions to maintain the  
21 records in a safe and secure place outside of Plaintiff’s cell and to permit Plaintiff to review  
22 the *in camera* Exhibits A, C, and G by appointment. Plaintiff must kite<sup>1</sup> the Warden’s Office to  
23 view these documents. Accordingly, Plaintiff will be able to review and respond to Exhibits A,  
24 C, and G. As stated above, due to safety and security concerns, Plaintiff will not be permitted  
25 to view the *under seal* Exhibits E and F.


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28 <sup>1</sup> A “kite” is an Inmate Request Form which inmates use to correspond with prison officials and administrative  
or medical staff.

1 Based upon the foregoing, Defendants respectfully request that their Motion to file *in*  
2 *camera and under seal* documents in support of Defendants' Motion for Summary Judgment  
3 and Opposition to Plaintiff's Motion for Summary Judgment be granted.

4 Dated this 27th day of May, 2011.

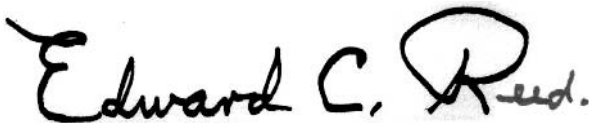
5 CATHERINE CORTEZ MASTO  
6 Attorney General

7 By:   
8 SUSAN E. LEE  
9 Deputy Attorney General  
10 Bureau of Litigation

*Attorneys for Defendants*

11 IT IS ORDERED granting Defendants' Motion to File in Camera and Under  
12 Seal Documents in Support of Motion #88.

13 DATED this 31st day of May 2011.

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16 UNITED STATES DISTRICT JUDGE  
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