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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CHARLES TOLLIVER; J.T., a minor by and
through her guardian ad litem CHARLES
TOLLIVER; and T.M., a minor by and through
her guardian ad litem NANCY MARRIOTT-
TOLLIVER,

Plaintiffs,

v.

LYON COUNTY SCHOOL DISTRICT, and
CITY OF YERINGTON,

Defendants.

Case No. 3:18-cv-00003-LRH-WGC

ORDER

Plaintiffs T.M. and J.T. move for leave to file their petitions to compromise minor’s claim under seal. ¹ ECF No. 42. Plaintiffs, through their guardians, have already filed the petitions with the court. ECF Nos. 43, 44. Defendants Lyon County School District and City of Yerington filed non-oppositions to the motion and to the petitions. ECF Nos. 45, 46.

To begin, the court is familiar with the facts of this case through the multiple filings and a previously held hearing. Thus, the court will not provide a history of the case to ensure that the confidential information related to the minor plaintiffs and the settlement of their claims remains private. The court instead turns immediately to plaintiffs’ motion for leave to file under seal and then to the petitions to compromise the minors’ claims.

¹ Because plaintiffs T.M. and J.T. are minors, the court refers to them by their initials throughout this order. See Fed. R. Civ. P. 5.2(a).

1 **I. MOTION FOR LEAVE TO FILE UNDER SEAL**

2 The court first turns to plaintiffs’ motion for leave to file their petitions under seal. The
3 Ninth Circuit recognizes a strong presumption of public access to judicial records. See
4 *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). A party moving
5 to file a document under seal must overcome that strong presumption. *Pintos v. Pac. Creditors*
6 *Ass’n*, 605 F.3d 665, 678 (9th Cir. 2010) (quoting *Kamakana*, 447 F.3d at 1178). To overcome
7 the presumption in the context of a non-dispositive motion, the moving party must show good
8 cause exists for maintaining the secret nature of the documents. *Kamakana*, 447 F.3d at 1179–80.
9 To overcome the presumption in the context of a dispositive motion, the moving party must
10 show compelling circumstances exist to support maintaining the secret nature of the documents.
11 *Id.* at 1180.

12 Nevada Revised Statute (“NRS”) § 41.200 permits a minor’s parent or guardian to
13 compromise the minor’s claim for money against a third person. Nev. Rev. Stat. § 41.200. The
14 petition to compromise the claim must include certain information, including the minor’s name,
15 age, and address as well as the financial information related to settling the claim. *Id.* Because
16 such information is required for plaintiffs’ petitions, the court finds compelling circumstances
17 exists to overcome the presumption of public access. The court therefore grants plaintiffs’
18 motion for leave to file the petitions under seal.

19 **II. PETITIONS TO COMPROMISE MINOR’S CLAIM**

20 The court now turns to the petitions to compromise the minors’ claims. A compromise is
21 “[a]n agreement between two or more persons to settle matters in dispute[.]” *COMPROMISE*,
22 *Black’s Law Dictionary* (10th ed. 2014). In Nevada, a parent or guardian may petition a court to
23 compromise a minor’s disputed claims for money against a third party. Nev. Rev. Stat. § 41.200.
24 The petition must include specific information, such as the minor’s identifying information and
25 the settlement amount. *Id.* § 41.200(2)(a)-(h). If the court approves the petition, the court must
26 either direct the settlement money to be paid to the parent or guardian, or appoint a guardian to
27 whom the settlement money can be paid. *Id.* § 41.200(4). The court determines how to direct the
28 payment of the settlement money by considering the best interests of the minor. *Id.* Once the

1 parent or guardian receives the settlement money, he or she must establish a blocked financial
2 investment² with the proceeds for the minor's benefit. Id. § 41.200(5). The parent or guardian
3 must file proof that the blocked financial investment has been established within thirty days of
4 receiving the settlement proceeds and must also file an annual verified report detailing the
5 activities of the investment for the previous twelve months if the investment balance exceeds
6 \$10,000. Id.

7 The court finds that each petition in conjunction with the attached exhibits satisfies the
8 requirements of NRS § 41.200 by including all necessary information. The court also finds that
9 the terms of the compromise are reasonable and appear to be in the best interest of T.M. and J.T.
10 Based on the forgoing, and in conformance with plaintiffs' request, the court makes the
11 following findings as to both T.M. (ECF No. 43) and J.T.'s (ECF No. 44) petitions:

12 (1) The court approves the compromise and settlement of the minor's claims
13 against Lyon County School District and City of Yerington for the total sum
14 identified in the petition as a result of the injuries alleged in plaintiffs'
15 complaint. All attorneys' fees and costs shall be paid by defendants directly to
16 the attorneys and shall not be paid from the minor's share of the settlement
17 proceeds.

18 (2) The court approves the payment of the net settlement proceeds in the sum
19 identified for the minor in the petition to the petitioner. The total sum for the
20 minor is to be held at the entity identified in the petition at paragraph seven in
21 a blocked financial investment, which may include but is not limited to, a
22 bank savings account, certificate of deposit, United States savings bond, fixed
23 or variable annuity contract, 529 education savings plan, or other reliable
24 investment approved by the Court. The sums shall not be withdrawn without
25 court order or certification that the minor has attained 18.

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27 ² “[T]he term ‘blocked financial investment’ means a savings account established in a depository
28 institution in [the state of Nevada], a certificate of deposit, a United States savings bond, a fixed or
variable annuity contract, or another reliable investment that is approved by the court.” Nev. Rev. Stat.
§ 41.200(8).

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(3) The court waives the necessity of a bond or guardianship and further waives the necessity of periodic reports with the court so long as the petitioner files proof with the court that a blocked financial investment account has been established for the minor's benefit within thirty days of receiving the settlement funds. When filing proof with the court, the petitioner must include the name and location of the investment account.

III. CONCLUSION

IT IS THEREFORE ORDERED that plaintiffs' motion for leave to file petitions to compromise minor's claim under seal (ECF No. 42) is **GRANTED**.

IT IS FURTHER ORDERED that the court **approves** the petition to compromise T.M.'s claim (ECF No. 43) in accordance with the findings above. The court instructs the petitioner to file proof that a blocked financial investment account has been established with the settlement funds within thirty days of receiving said funds.

IT IS FURTHER ORDERED that the court **approves** the petition to compromise J.T.'s claim (ECF No. 44) in accordance with the findings above. The court instructs the petitioner to file proof that a blocked financial investment account has been established with the settlement funds within thirty days of receiving said funds.

IT IS SO ORDERED.

DATED this 25th day of June, 2018.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE