

1                                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2           MEI-GSR HOLDINGS, LLC, a Nevada limited  
3           liability company, d/b/a GRAND SIERRA  
4           RESORT,

**Supreme Court No. 70319**

**District Court Case No. CV13-01704**

                                  Appellant,

Electronically Filed  
Jul 11 2016 04:53 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

5           vs.

6           PEPPERMILL CASINOS, INC., a Nevada  
7           corporation, d/b/a/ PEPPERMILL CASINO;  
8           and Ryan Tors, an individual,


                                  Defendants.

9  
10                                   **MOTION FOR RELIEF FROM NRAP 16 AND**  
                                  **FOR ORDER ALLOWING MEDIATION**

11           Respondent, Peppermill Casinos, Inc., moves this Honorable Court for an order relieving it  
12           and Appellant MEI-GSR Holdings, LLC from this Court's Order of July 1, 2016, removing this  
13           case from the settlement conference program. This motion is based upon the following points and  
14           authorities and exhibits attached hereto.

15           DATED this 11<sup>th</sup> day of July, 2016.

16                                   ROBISON, BELAUSTEGUI, SHARP & LOW  
17                                   A Professional Corporation  
18                                   71 Washington Street  
                                  Reno, Nevada 89503

19                                     
20                                   KENT R. ROBISON  
21                                   SCOTT L. HERNANDEZ  
22                                   THERESE M. SHANKS  
                                  Attorneys for Respondents  
                                  Peppermill Casinos, Inc., d/b/a Peppermill Casino

23                                   **POINTS AND AUTHORITIES**

24                                   **I.**

25                                   **PROCEDURAL BACKGROUND OF UNDERLYING ACTION**

26           1.       On August 2, 2013, MEI-GSR Holdings, LLC ("GSR") filed its Complaint against  
27           Peppermill Casinos, Inc. ("Peppermill") and Ryan Tors. GSR alleged three claims for relief:  
28           Violation of the Uniform Trade Secret Act, NRS 600A.001 et seq.; Vicarious Liability /

1     Respondeat Superior; and Injunctive Relief.

2             2.       In its Amended Answer, Peppermill conceded and admitted that the activities and  
3     conduct of Ryan Tors, which resulted in his unauthorized access to theoretical hold settings on  
4     GSR's slot machines, was done in the course and scope of his employment with Peppermill. (See  
5     **Exhibit 1**, ¶¶ 14, 15 and 16.)

6             3.       Peppermill executives admitted in their depositions that Tors was acting in the  
7     course and scope of his employment when he accessed theoretical hold settings at the GSR.

8             4.       Peppermill entered into an Indemnification Agreement by which the Peppermill  
9     committed to indemnify Ryan Tors for any and all damages and/or liability with which he was  
10    confronted as a result of GSR's lawsuit against Ryan Tors individually. (See **Exhibit 2**.)

11            5.       Peppermill's Amended Answer admitting that Tors was within the scope and  
12    course of his employment and the Indemnification Agreement were admitted into evidence at the  
13    trial and presumably considered by the jury. (See **Exhibit 3**, Affidavit of Robison, ¶¶ 4 and 6.)

14            6.       Based upon the contents of the Amended Answer and the Indemnification  
15    Agreement, Tors filed a motion to be dismissed from the underlying action on February 2, 2015.  
16    The matter was fully briefed and the District Court entered its Order on March 9, 2015, dismissing  
17    Ryan Tors from the underlying action. (See **Exhibit 4**.)

18            7.       The discovery and motion practice proceeded after March 9, 2015, without Tors  
19    being a party to the underlying litigation.

20            8.       The matter was tried to a jury in January of 2016, and on January 26, 2016, the jury  
21    returned its Verdict in favor of the Peppermill against GSR.

22            9.       Thereafter, Judgment was entered in favor of the Peppermill and Peppermill was  
23    awarded \$1,497,853.27 in attorneys' fees and costs.

24            10.      On April 26, 2016, GSR filed its Notice of Appeal. On June 17, 2016, GSR filed  
25    its Amended Notice of Appeal in which GSR appealed "all judgments and orders" in the  
26    underlying lawsuit, Judgment on Jury Verdict and more particularly, the District Court's Order  
27    dismissing Ryan Tors from the underlying action. (See **Exhibit 5**.)

28    ///

I.

**BACKGROUND OF SUPREME COURT FILINGS**

1. On or about May 5, 2016, this matter was assigned to the NRAP 16 settlement program. (See **Exhibit 6.**) Lansford W. Levitt was appointed Settlement Judge.

2. The Settlement Judge conducted several conferences with the parties to determine the applicable process and date for the mediation. (See **Exhibit 3, ¶ 7.**)

3. On June 13, 2016, Mark H. Gunderson, John Funk and the Gunderson Law Firm moved this Court for an order confirming their withdrawal as counsel in this matter for Respondent Ryan Tors.

4. On July 1, 2016, the motion filed by Mark Gunderson, John Fund and the Gunderson Law Firm to withdraw as counsel was granted. In that Order, this Honorable Court determined that because Ryan Tors is proceeding on the appeal in pro per person, this appeal will be exempt from the settlement program governed by NRAP 16. (See **Exhibit 7.**)

III.

**ANALYSIS**

NRAP 16(a) provides that any civil appeal “in which all parties are represented by counsel” that do not involve termination of parental rights may be assigned to the settlement conference program. This Court has now exempted this case from the settlement conference program because Mr. Tors is now representing himself and is not presently represented by counsel.

However, in light of the fact that the Peppermill has admitted that Mr. Tors was acting in the course and scope of his employment with the Peppermill, and in light of the Indemnification Agreement by which Peppermill has agreed to indemnify Mr. Tors for all exposure presented by GSR’s lawsuit, Mr. Tors’ interests can be and will be adequately protected in the settlement process by the Peppermill. The Peppermill is represented by counsel. GSR is represented by counsel.

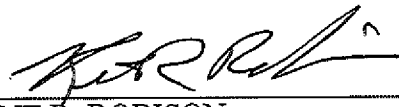
The Peppermill and GSR have agreed to use the mediation program. These primary partners have agreed to submit mediation briefs to Settlement Judge Levitt on or before July 25, 2016. Until the Court entered its Order exempting this matter from the settlement conference

1 program, the settlement conference was scheduled to occur on August 12, 2016.

2 GSR's claims against Tors, as stated in the pleadings in the underlying District Court  
3 action, are essentially directed against the Peppermill. The Peppermill has agreed to assume all  
4 liability for Tors' conduct. Accordingly, under these unique circumstances, Peppermill  
5 respectfully suggests that these facts and circumstances warrant relief from Rule 16, which allows  
6 the settlement conference program only in matters in which all parties are represented by counsel.  
7 Peppermill's efforts to represent itself and advance its own interests inure to the benefit of Ryan  
8 Tors, and any settlement that is reached in this case as a result of the settlement conference  
9 program also inures to the benefit of Ryan Tors. Since Tors has no individual exposure in this  
10 case, adequate grounds exist to allow an exception to NRAP 16(a) and allow the main parties and  
11 Mr. Tors an opportunity to resolve their differences by and through participation in the settlement  
12 conference program.

13 Respectfully submitted this 17<sup>th</sup> day of July, 2016.

14 ROBISON, BELAUSTEGUI, SHARP & LOW  
15 A Professional Corporation  
16 71 Washington Street  
17 Reno, Nevada 89503

18   
19 KENT R. ROBISON  
20 SCOTT L. HERNANDEZ  
21 THERESE M. SHANKS  
22 Attorneys for Respondents  
23 Peppermill Casinos, Inc., d/b/a Peppermill Casino  
24  
25  
26  
27  
28

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of ROBISON, BELAUSTEGUI,  
3 SHARP & LOW, and that on this date I caused to be served a true copy of the **MOTION FOR  
RELIEF FROM NRAP 16 AND FOR ORDER ALLOWING MEDIATION** on all parties to  
4 this action by the method(s) indicated below:

5 X by placing an original or true copy thereof in a sealed envelope, with sufficient  
postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

6 WILLIAM E. CROCKETT, ESQ.  
Law Offices of William E. Crockett  
7 21031 Ventura Boulevard, Suite 401  
Woodland Hills, CA 91364  
8 Email: [wec@weclaw.com](mailto:wec@weclaw.com)  
*Attorneys for Respondent*

9 LANSFORD W. LEVITT  
4747 Caughlin Parkway, #6  
10 Reno, NV 89519  
*Settlement Judge*

11 RYAN TORS  
3095 Idlewild Drive  
12 Reno, NV 89509

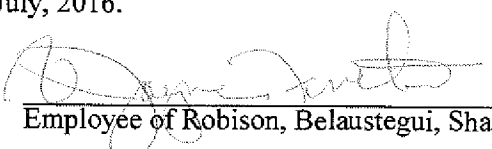
13 X by using the Court's CM/ECF Electronic Notification System addressed to:

14 H. STAN JOHNSON, ESQ.  
Cohen Johnson Parker Edwards, LLC  
15 255 E. Warm Springs Road, Suite 100  
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16 Email: [sjohnson@cohenjohnson.com](mailto:sjohnson@cohenjohnson.com)  
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17 MARK WRAY, ESQ.  
608 Lander Street  
18 Reno, NV 89509  
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*Attorneys for Respondent*

20 \_\_\_\_\_ by electronic email addressed to the above.  
21 \_\_\_\_\_ by personal delivery/hand delivery addressed to:  
22 \_\_\_\_\_ by facsimile (fax) addressed to:  
\_\_\_\_\_ by Federal Express/UPS or other overnight delivery addressed to:

23 DATED: This 1<sup>st</sup> day of July, 2016.

24   
Employee of Robison, Belaustegui, Sharp & Low

# **EXHIBIT 1**

1085

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*Attorneys for Defendant Peppermill Casinos,  
Inc., d/b/a Peppermill Casino*

**IN THE SECOND JUDICIAL DISTRICT FOR THE STATE OF NEVADA**

**IN AND FOR THE COUNTY OF WASHOE**

MEI-GSR HOLDINGS, LLC, a Nevada  
Corporation, d/b/a/ GRAND SIERRA RESORT,

**CASE NO.: CV13-01704**

**DEPT. NO.: B7**

Plaintiff,

vs.

**BUSINESS COURT DOCKET**

PEPPERMILL CASINOS, INC., a Nevada  
Corporation, d/b/a/ PEPPERMILL CASINO;  
RYAN TORS, an individual; JOHN DOES I-X  
and JANE DOES I-X and CORPORATIONS I-X,

Defendant(s).

**PEPPERMILL CASINOS, INC.'S AMENDED ANSWER TO COMPLAINT**

Defendant Peppermill Casinos, Inc. ("Peppermill") submits the following as and for its  
Amended Answer.

1. Peppermill admits that on December 29, 2011, Ryan Tors used a master key to gain

1 access to nine GSR slot machines at the Grand Sierra Resort ("GSR"). Peppermill management  
2 had knowledge of the activity.

3 2. Peppermill admits that on June 14, 2012, Ryan Tors gained access to six GSR slot  
4 machines by and through the use of a master key (2341). Peppermill management had knowledge  
5 of the activity.

6 3. Peppermill admits that on July 12, 2013, Defendant Ryan Tors gained access to six  
7 GSR slot machines at the GSR. Peppermill learned of the event from the Gaming Control Board.

8 4. As a result of Mr. Tors being detained for the July 12, 2013 incident, the Nevada  
9 Gaming Control Board initiated an exhaustive investigation into Mr. Tors' activities and the  
10 Peppermill's knowledge and participation therein.

11 5. The Peppermill has admitted the allegations alleged in the Gaming Control Board's  
12 proposed Complaint.

13 6. On February 20, 2014, the Nevada Gaming Commission conducted a hearing for  
14 public comment on the Gaming Control Board Complaint against the Peppermill. Bill Paganetti  
15 presented comments to the Gaming Commission, wherein he, on behalf of the Peppermill,  
16 admitted that the Peppermill had knowledge of Mr. Tors' activities and further stated that the  
17 information obtained by Tors was not used by the Peppermill.

18 7. Bill Paganetti, on behalf of the Peppermill, stipulated that the Peppermill be fined  
19 \$1,000,000. The fine has been paid.

20 8. Peppermill admits the allegations set forth in paragraphs 1 and 2 of GSR's  
21 Complaint.

22 9. In response to paragraph 3 of the GSR Complaint, Peppermill admits that it  
23 condoned Tors' activities that occurred on December 29, 2011, and June 14, 2012. Because the  
24 phrase "all times relevant to this Complaint" is unintelligible, Peppermill denies that it "ratified"  
25 conduct of Tors "for all times relevant" to GSR's Complaint. Moreover, the accusation calls for a  
26 legal conclusion.

27 10. Responding to paragraph 4 of GSR's Complaint, Peppermill admits that it became  
28 aware of Tors' keying activities on December 29, 2011, June 14, 2012, and eventually those of



1 July 12, 2013. Because the phrase "at all times relevant to this Complaint" is vague and  
2 unintelligible, Peppermill denies that Tors was acting in the course and scope of his employment  
3 "at all times relevant to" GSR's Complaint.

4 11. Peppermill denies the allegations in paragraph 5 of GSR's Complaint.

5 12. Responding to paragraph 6, Peppermill can neither admit nor deny the allegations  
6 because they are unintelligible. Without knowing what "actions of the Defendants and their  
7 employees and/or agents" refers to, the Peppermill does not have sufficient information upon  
8 which it can form a belief as to the truth or falsity of the vague reference to "the actions" and  
9 therefore denies the same.

10 13. Peppermill admits the allegations in paragraph 7 of GSR's Complaint.

11 14. Responding to paragraph 8 of GSR's Complaint, Peppermill admits that Tors was  
12 an employee from December 28, 2011, through July 12, 2013. Because the phrase "at all times  
13 mentioned herein" is vague, Peppermill denies those allegations. Peppermill admits that Tors  
14 was within his employment on December 29, 2011, June 14, 2012, and July 12, 2013.

15 15. Responding to paragraph 9 of GSR's Complaint, Peppermill admits the allegations  
16 contained therein.

17 16. Responding to paragraph 10 of the GSR Complaint, Peppermill admits that Tors,  
18 through the use of a master key (2341), accessed six slot machines at the GSR. Peppermill denies  
19 that the information was confidential and/or proprietary because of the manner in which GSR  
20 publicly advertised its par percentages and because of GSR's failure to properly safeguard what it  
21 now considers to be trade secrets.

22 17. Responding to paragraph 11 of GSR's Complaint, Peppermill admits that Tors is  
23 not an employee of GSR and it admits that Tors was not authorized by GSR to access computer  
24 diagnostics of GSR's slot machines. Peppermill denies all other allegations set forth in paragraph  
25 11.

26 18. Responding to paragraph 12 of GSR's Complaint, Peppermill admits that Tors was  
27 detained by GSR on July 12, 2013, and admits that the Nevada Gaming Control Board has called  
28 and notified. Peppermill denies all other allegations in paragraph 12.

1           19.     Responding to paragraph 13 of GSR's Complaint, Peppermill admits that Tors  
2     stated he was a corporate analyst of the Peppermill and that he stated he was at the GSR for the  
3     purpose of accessing diagnostic information from certain slot machines belonging to GSR.

4           20.     Responding to paragraph 14 of GSR's Complaint, Peppermill admits that Tors  
5     stated that the July 12, 2013 incident was not an isolated incident and that he had "keyed" for the  
6     previous year. Peppermill denies that Tors stated that he did so "especially at the Grand Sierra  
7     Resort".

8           21.     Responding to paragraph 15 of GSR's Complaint, Peppermill admits that Tors was  
9     escorted from the premises and was advised that if he returned to the premises he would be  
10    prosecuted for trespassing.

11          22.     Responding to paragraph 16 of GSR's Complaint, Peppermill admits that on July  
12    12, 2013, Tors obtained diagnostic information in the six GSR slot machines identified and  
13    denies the remaining allegations of paragraph 16.

14          23.     Responding to paragraph 17 of GSR's Complaint, Peppermill admits that Tors had  
15    a list, but lacks sufficient information upon which to base or form a belief as to the truth or falsity  
16    of the remaining allegations and therefore denies the same.

17          24.     Responding to paragraph 18 of GSR's Complaint, Peppermill denies that the  
18    diagnostic screens and payback percentage information is proprietary or confidential to GSR  
19    because of GSR's marketing and advertising campaign in which it divulged to the public its par  
20    percentages. Further, master keys (2341) are prevalent throughout the community and can be  
21    purchased on line, therefore negating any suggestion that unless otherwise protected, what is  
22    revealed by the use of a master key is neither proprietary nor confidential.

23          25.     Responding to paragraph 19 of GSR's Complaint, Peppermill denies as set forth  
24    hereinabove and incorporates its responses to paragraphs 1 through 18 as fully set forth herein.

25          26.     Responding to paragraph 20 of GSR's Complaint, Peppermill admits that NRS  
26    600.A.010 says what it says, but the quote in paragraph 20 is inappropriate because of the manner  
27    in which GSR cites the Nevada statute. Peppermill denies that GSR implemented efforts that  
28    were reasonable under the circumstances to maintain the secrecy of its par percentages.

1           27.     Responding to paragraph 21 of GSR's Complaint, Peppermill denies that Tors  
2     breached NRS 600A.010 because of GSR's failure to implement efforts that were reasonable  
3     under the circumstances to maintain the secrecy of the diagnostics in the GSR slot machines.  
4     Peppermill denies the remaining allegations in paragraph 21.

5           28.     Responding to paragraph 22 of GSR's Complaint, Peppermill denies that GSR  
6     derived independent economic value, actual or potential, from its par percentage settings. The  
7     Peppermill denies that because of GSR's marketing and advertising promotions, it made  
8     reasonable efforts to keep its diagnostic information secret. Based on GSR's marketing and  
9     advertising programs, the GSR made its par percentages readily ascertainable by proper means by  
10    the public or any other persons who were exposed to GSR's marketing and advertising  
11    campaigns. The allegations of paragraph 22 are also denied because of GSR's failure to lock the  
12    diagnostic information, knowing full well that master keys (2341) were present and prevalent  
13    throughout the gaming community.

14          29.     Responding to paragraph 23 of GSR's Complaint, Peppermill denies that its  
15    managerial employees, including former employee Ryan Tors, will in the future access GSR's  
16    machines and therefore Peppermill denies that it or any of its employees are likely to  
17    misappropriate anything from GSR.

18          30.     Responding to paragraph 24 of GSR's Complaint, Peppermill admits that NRS  
19    600A.035 says what it says. The quote is incomplete.

20          31.     Responding to paragraph 25 of GSR's Complaint, Peppermill denies as a matter of  
21    law that Tors, or any other employees, could conspire with the Peppermill to steal, take,  
22    misappropriate, or obtain trade secrets from GSR. Peppermill denies the remaining allegations of  
23    paragraph 25, recognizing that all slot personnel at all gaming casinos and employees of slot  
24    machine manufacturers have possession of and access to master keys (2341).

25          32.     Responding to paragraph 26 of GSR's Complaint, Peppermill denies that a  
26    conspiracy as alleged is possible under applicable Nevada law and therefore denies the  
27    allegations.

28          33.     Responding to paragraph 27 of GSR's Complaint, Peppermill admits that Tors

1 gained access to GSR slot machines on December 29, 2011, and June 14, 2012, but denies all  
2 remaining allegations, since the alleged conspiracy cannot exist as a matter of law.

3 34. Responding to paragraph 28 of GSR's Complaint, Peppermill denies that GSR has  
4 sustained any damages whatsoever as a result of Tors' conduct. GSR has steadfastly refused to  
5 provide any information in discovery or otherwise that would suggest in any way that the GSR  
6 "has suffered general and special damages" of any amount of any kind of damages and therefore  
7 paragraph 28 must be denied.

8 35. Responding to paragraph 29 of GSR's Complaint, Peppermill denies the allegations  
9 set forth therein.

10 36. Responding to paragraph 30 of GSR's Complaint, Peppermill denies the allegations  
11 set forth therein.

12 37. Responding to paragraph 31 of GSWR's Complaint, Peppermill denies as  
13 previously set forth and incorporates herein its responses to paragraphs 1-30.

14 38. Responding to paragraph 32 of GSR's Complaint, Peppermill admits that Tors was  
15 a corporate analyst and that he did visit other gaming establishments and obtained par percentages  
16 from other casinos. All other accusations are denied.

17 39. Responding to paragraph 33 of GSR's Complaint, Peppermill admits that Tors  
18 accessed GSR machines at the GSR on July 12, 2013, and did so to determine whether GSR was  
19 falsely advertising its par percentages and payback percentages of its slot machines. Peppermill  
20 denies the remaining allegations.

21 40. Responding to paragraph 34 of GSR's Complaint, Peppermill denies vicarious  
22 liability "for all tortious conduct" committed by Tors. Because GSR has sustained no damages or  
23 harm because of Tors' activities, Peppermill denies the remaining allegations.

24 41. Responding to paragraph 35 of GSR's Complaint, Peppermill denies that GSR has  
25 sustained any damages whatsoever as a result of Tors' activities. GSR has improperly and  
26 wrongfully refused to comply with Nevada law and has steadfastly failed to produce any  
27 information or evidence that it sustained any damages whatsoever.

28 42. Responding to paragraph 36 of GSR's Complaint, Peppermill denies that Tors'

1 activities were wanton or reckless and denies all allegations therein.

2 43. Responding to paragraph 37 of GSR's Complaint, Peppermill denies all allegations  
3 therein.

4 44. Responding to paragraph 38 of GSR's Complaint, Peppermill denies as previously  
5 set forth and incorporates herein as though fully set forth its responses to paragraphs 1 through  
6 37.

7 45. Responding to paragraph 39 of GSR's Complaint, Peppermill does not know  
8 whether GSR has an interest in protecting confidential and proprietary information because it has  
9 failed to do so with respect to par percentages on its slot machines. Peppermill, therefore, denies  
10 that GSR has implemented or exercised appropriate safeguards to protect what it now alleges to  
11 be confidential and proprietary information or trade secrets of its business.

12 46. Responding to paragraph 40 of GSR's Complaint, Peppermill denies that GSR took  
13 adequate and reasonable measures or efforts to protect what it now alleges to be confidential and  
14 proprietary. GSR has not adequately or effectively made any attempts to limit access to  
15 diagnostic data contained in its slot machines because of the widespread use of master keys and  
16 the recognition that technicians from slot machine manufacturers, other casino employees and  
17 indeed the public in general have access to master keys (2341). Peppermill denies, therefore, that  
18 GSR is entitled to any form of injunctive relief against the Peppermill.

19 47. Responding to paragraph 41 of GSR's Complaint, GSR makes requests rather than  
20 alleges facts. Peppermill denies the need and/or propriety of ordering Peppermill to cease and  
21 desist, as the Peppermill is prepared to stipulate that neither it nor any of its employees will make  
22 any future attempts to access GSR slot machines or other gaming devices at GSR.

23 48. Responding to paragraph 42 of GSR's Complaint, Peppermill denies that there  
24 exists any actual or threatened efforts to access GSR gaming devices. Particularly in light of the  
25 Gaming Control Board's involvement, injunctive relief is neither appropriate or required and the  
26 allegations in paragraph 42 are therefore denied.

27 49. Responding to paragraph 43 of GSR's Complaint, Peppermill denies the allegations  
28 set forth therein.

## AFFIRMATIVE DEFENSES

1  
2 1. GSR's Complaint fails to state a claim for vicarious liability, since as a matter of  
3 law vicarious liability is not a claim for relief.

4 2. As set forth in its motions, GSR's Complaint should be dismissed for improper  
5 pleading practices and failure to abide by the mandatory provisions of NRCP 16.1.

6 3. The Court has ruled that the Peppermill not be restrained and enjoined and for even  
7 stronger reasons there presently exists no need for a injunctive relief given the Gaming Control  
8 Board's jurisdiction over this matter.

9 4. GSR has abused process by alleging that the Peppermill conspired with its own  
10 employees, knowing full well that an employer cannot legally conspire with its own employees.

11 5. GSR failed to make any reasonable efforts to preserve what it now in hindsight  
12 refers to as secrets and proprietary information and has therefore not stated a claim upon which  
13 relief can be granted.

14 6. GSR's marketing and advertising programs boast par percentages, thereby revealing  
15 to the public the settings for par percentages and hold percentages of its slot machines, resulting  
16 in a waiver of any claim under the Nevada Trade Secret Act.

17 7. GSR is estopped from obtaining the relief requested in its Complaint.

18 8. GSR's Complaint fails to state claims upon which relief can be granted, since it  
19 admittedly cannot establish any losses, injury or damages caused by Tors' activities.

20 9. Discovery will reveal that, if damaged, GSR failed to mitigate. The only financial  
21 damages that GSR can claim is paying attorneys for filing a claim against Peppermill, knowing  
22 full well that GSR has sustained no damages whatsoever.

23 10. GSR continues to refuse and fail implementing reasonable safeguards and  
24 protective measures preventing the public, other gaming properties and third persons from  
25 obtaining diagnostic information from its machines.

26 11. GSR has waived each and every claim for relief set forth in its Complaint.

27 12. Punitive damages cannot be awarded or considered because GSR has sustained no  
28 consequential damages.

1           13.    GSR is not entitled to civil penalties as though have already been imposed by the  
2 Gaming Control Board.

3           14.    Under the circumstances, any award of punitive damages would be  
4 unconstitutional.

5           15.    The Court's rejection of GSR's request for an injunction against the Peppermill is  
6 the law of the case and should not be revisited.

7           16.    Par percentages have no bearing on GSR's revenues when taken in light of all  
8 marketing, advertising and promotional activities that have been pursued by the GSR.

9           17.    Knowing that it sustained no damages, GSR brought its claims in bad faith, in  
10 violation of Rule 11, and should be held accountable for vexatious and malicious initiation and  
11 prosecution of this case.

12           18.    To the extent the slot department of the GSR is mismanaged, revenue consequences  
13 are attributable only to the GSR's managerial practices and not in any way related to the activities  
14 of Tors.

15           19.    Discovery may lead to additional affirmative defenses and to the extent discovery  
16 reveals additional affirmative defenses, Peppermill will seek amendment of this answer to plead  
17 accordingly.

18           WHEREFORE, Peppermill requests judgment as follows:

19           1.    That GSR's Complaint be dismissed with prejudice and GSR take nothing by and  
20 because of its Complaint;

21           2.    Peppermill be awarded its costs of Court and reasonable attorneys' fees for  
22 defending this action; and

23           3.    For such other relief as the Court determines to be appropriate under the  
24 circumstances.

25                           **AFFIRMATION**  
26                           **Pursuant to NRS 239B.030**

27           The undersigned does hereby affirm that this document does not contain the social security

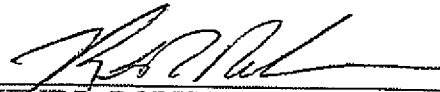
28           ///

///

1 number of any person.

2 DATED this 25<sup>th</sup> day of July, 2014.

3 ROBISON, BELAUSTEGUI, SHARP & LOW  
4 A Professional Corporation  
5 71 Washington Street  
6 Reno, Nevada 89503

7 

8 KENT R. ROBISON  
9 KEEGAN G. LOW  
10 THERESE M. SHANKS  
11 Attorneys for Defendant  
12 Peppermill Casinos, Inc., d/b/a Peppermill Casino

13 IN ASSOCIATION WITH:

14 CLARK V. VELLIS, ESQ.  
15 Cotton, Driggs, Walch, Holley, Woloson  
16 & Thompson  
17 800 S. Meadows Parkway, Suite 800  
18 Reno, Nevada 89521



**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of ROBISON, BELAUSTEGUI, SHARP & LOW, and that on this date I caused to be served a true copy of the **PEPPERMILL CASINOS, INC.'S AMENDED ANSWER TO COMPLAINT**

by placing an original or true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

X by using the Court's CM/ECF Electronic Notification System addressed to:

H. STAN JOHNSON, ESQ.

TERRY KINNALLY, ESQ.

Cohen-Johnson, LLC

Email: [sjohnson@cohenjohnson.com](mailto:sjohnson@cohenjohnson.com)

[tkinnally@cohenjohnson.com](mailto:tkinnally@cohenjohnson.com)

*Attorneys for Plaintiff*

MARK GUNDERSON, ESQ.

Gunderson Law Firm

Email: [mgunderson@gundersonlaw.com](mailto:mgunderson@gundersonlaw.com)

*Attorneys for Defendant Ryan Tors*

CLARK V. VELLIS, ESQ.

Cotton, Driggs, Walch, Holley, Woloson & Thompson

Email: [cvellis@nevadafirm.com](mailto:cvellis@nevadafirm.com)

*Attorneys for Defendant Peppermill Casinos, Inc.*

MICHAEL P. SOMPS, ESQ.

DARLENE B. CARUSO, ESQ.

State Gaming Control Board

555 East Washington Avenue, Suite 3900

Las Vegas, NV 89101-1068

Email: [dcaruso@ag.nv.gov](mailto:dcaruso@ag.nv.gov)

[msomps@ag.nv.gov](mailto:msomps@ag.nv.gov)

*Attorneys for Nevada Gaming Control Board*

by electronic email addressed to the above.

by personal delivery/hand delivery addressed to:

by facsimile (fax) addressed to:

by Federal Express/UPS or other overnight delivery addressed to:

DATED: This 25<sup>th</sup> day of July, 2014.

  
V. JAYNE FERRETTO

# **EXHIBIT 2**

## INDEMNIFICATION AGREEMENT

For valuable consideration, the sufficiency and receipt of which is acknowledged, the Peppermill Casinos, Inc., does hereby agree to indemnify Ryan Tors pursuant to the Respondeat Superior Doctrine from any and all adverse judgments that may be entered against Ryan Tors in connection with his keying activities alleged in the Complaint filed by MEI-GSR Holdings, LLC, dba. Grand Sierra Resort, on August 2, 2013, in Case No. CV13-01704.

This indemnification commitment is conditioned upon Ryan Tors providing truthful testimony and providing truthful responses in all discovery exchanges.

READ, APPROVED and ACCEPTED this 10<sup>th</sup> day of December, 2014.

PEPPERMILL CASINOS, INC.

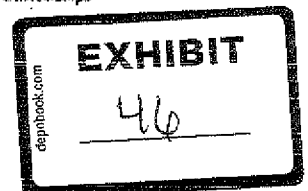
BY: [Signature]

ITS: Executive Vice President

[Signature]  
RYAN TORS

J:\04PD\Date\Ker\1872.006\Peppermill-GSR v.D-Indemnification Agreement, Tors.mpd

CONFIDENTIAL



# **EXHIBIT 3**

**AFFIDAVIT OF KENT R. ROBISON IN SUPPORT OF**  
**MOTION FOR RELIEF FROM NRAP 16 AND**  
**FOR ORDER ALLOWING MEDIATION**

STATE OF NEVADA                     )  
  ) ss.  
COUNTY OF WASHOE                )

KENT R. ROBISON, being first duly sworn on oath, deposes and says under penalty of perjury that the following assertions are true and correct.

1. I am lead counsel for Peppermill Casinos, Inc. ("Peppermill") in this appeal and I was lead counsel for the Peppermill in the District Court proceeding.

2. I drafted and caused to be filed Peppermill's Amended Answer in which Peppermill conceded and admitted that the activities and conduct of Ryan Tors, which resulted in his unauthorized access to theoretical hold settings on GSR's slot machines was done in the scope and course of his employment. Peppermill, throughout the District Court proceedings and in this appeal, does concede and admit that the activities of Mr. Tors at the GSR were done in the course and scope of his employment with Peppermill.

3. Peppermill executives conceded that Mr. Tors was acting in the course and scope of his employment when he accessed the theoretical hold settings of GSR's slot machines. William Paganetti knew of Mr. Tors' activity and Mr. Paganetti admitted that Mr. Tors' activities were done in the course and scope of Mr. Tors' employment with the Peppermill.

4. Peppermill's Amended Answer was admitted into evidence during the jury trial that was conducted in the District Court proceedings.

5. The Peppermill entered into an Indemnification Agreement with Mr. Tors, which is attached as **Exhibit 4**. The Indemnification Agreement binds the Peppermill to pay for any and all damage sustained by Ryan Tors as a result of his involvement in the underlying case and with regard to his unauthorized accessing of GSR slot machines.

6. The Indemnification Agreement was admitted into evidence in the underlying action at the jury trial that occurred in January of 2016.

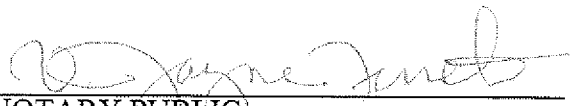
7. As Peppermill's counsel, I have participated in at least three status conferences with Lansford W. Levitt, the appointed Settlement Judge. In those discussions, Mr. Levitt, myself and

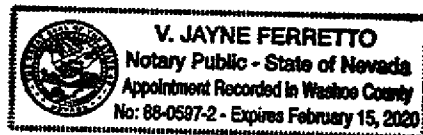
1 GSR's counsel agreed upon dates to submit confidential mediation statements and to conduct the  
2 mediation on August 12, 2016.

3 8. Settlement discussions have occurred in this matter. It is my belief that the interests  
4 of Mr. Tors are adequately, if not completely, protected if this matter proceeds to mediation  
5 through the settlement conference program.

6  
7   
KENT R. ROBISON

8 Subscribed and Sworn to Before me  
9 this 14<sup>th</sup> day of July, 2016, by  
Kent R. Robison.

10   
11 NOTARY PUBLIC



# **EXHIBIT 4**

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

MEI-GSR HOLDINGS, LLC, a  
Nevada corporation, dba GRAND  
SIERRA RESORT,

Case No.: CV13-01704

Dept. No.: 7

Plaintiff,

vs.

PEPPERMILL CASINOS, INC., a  
Nevada corporation, dba  
PEPPERMILL CASINO; RYAN  
TORS, an individual; et al.,

Defendants.

**ORDER**

Before the Court is Defendant Ryan Tors' *Motion to Dismiss Plaintiff's Complaint Against Ryan Tors without Prejudice*, filed February 2, 2015. Plaintiff MEI-GSR HOLDINGS, LLC (hereafter "GSR") filed an *Opposition* on February 20, 2015. Defendant filed a *Reply* and submitted the matter for decision on March 2, 2015. This *Order* follows.

**Factual History**

On August 2, 2013, GSR filed a *Complaint* against Tors and his former employer PEPPERMILL CASINOS, INC. (hereafter "Peppermill") alleging 1) violation of the Uniform Trade Secret Act; 2) vicarious liability / respondeat superior; 3) injunctive relief. Peppermill has since acknowledged that all of Tors'



1 actions giving rise to the instant suit were committed exclusively in the scope of his  
2 employment with Peppermill. To that end, Peppermill has accepted responsibility  
3 for the full extent of Tors' alleged liability and has agreed to indemnify him for any  
4 judgment that might be obtained against him in this case. Tors now moves to be  
5 dismissed from the case without prejudice.

6 **Analysis**

7 The Nevada Rules of Civil Procedure "shall be construed and administered to  
8 secure the just, speedy, and inexpensive determination of every action." NRCP 1.  
9 Tors offers that dismissal without prejudice of a party whose joinder has become  
10 immaterial is included within the unenumerated "inherent" powers of a Court to  
11 secure that aim. *See Blackjack Bonding v. City of Las Vegas, Mun. Ct.*, 116 Nev.  
12 1213, 1218, 14 P.3d 1275, 1279 (2000). GSR does not dispute this. Instead, GSR  
13 argues that it would be prejudiced by Tors' dismissal in several ways, including that  
14 Tors might seek attorney's fees against GSR and that GSR will lose their assurance  
15 of Tors' cooperation with discovery and appearance at trial. To this end, Tors notes  
16 that he is already subject to a trial subpoena which will guarantee his appearance  
17 as a witness. Further, he has agreed to waive any claim for attorney's fees and  
18 costs upon dismissal.

19 As Tors points out, Peppermill has assumed the full extent of his alleged  
20 legal liability in this matter and the issue of injunctive relief is moot as he is no  
21 longer a Peppermill employee. There appear to be no practical reasons to require  
22 him to maintain a defense in this action. Therefore, good cause appearing, GSR's  
23 claims against Ryan Tors are **DISMISSED** without prejudice.

24 **IT IS HEREBY ORDERED.**

25 DATED this 9 day of March, 2015.

26  
27   
28 PATRICK FLANAGAN  
District Judge

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Judicial District Court of the State of Nevada, County of Washoe; that on this 9 day of March, 2015, I electronically filed the following with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

Kent Robison, Esq., for Peppermill Casinos, Inc.;

H. Johnson, Esq., for MEI-GSR Holdings, LLC;

Mark H. Gunderson, Esq., for Ryan Tors;

I deposited in the Washoe County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

  
Judicial Assistant

# **EXHIBIT 5**

1097

**COHEN | JOHNSON | PARKER | EDWARDS****H. STAN JOHNSON, ESQ.**

Nevada Bar No. 00265

sjohnson@cohenjohnson.com

255 E. Warm Springs Road, Suite 100

Las Vegas, Nevada 89119

Telephone: (702) 823-3500

Facsimile: (702) 823-3400

*MEI-GSR Holdings, LLC. d/b/a**Grand Sierra Resort***IN ASSOCIATION WITH****THE LAW OFFICES OF MARK WRAY****MARK WRAY, ESQ.**

Nevada Bar No.: 4425

608 Lander Street

Reno, Nevada 89509

Telephone: (775) 348-8877

Facsimile: (775) 348-8351

**IN THE SECOND JUDICIAL DISTRICT FOR THE STATE OF NEVADA****IN AND FOR THE COUNTY OF WASHOE**MEI-GSR HOLDINGS, LLC, a Nevada Limited  
Liability Company, d/b/a/ GRAND SIERRA  
RESORT,

Plaintiff,

vs.

PEPPERMILL CASINO, INC., a Nevada  
Corporation, d/b/a/ PEPPERMILL CASINO;  
RYAN TORS, an individual; JOHN DOES I-X  
AND CORPORATIONS I-X,

Defendant(s).

**Case No.: CV13-01704****Dept. No.: B7****BUSINESS COURT DOCKET****AMENDED NOTICE OF APPEAL****AMENDED NOTICE OF APPEAL**

Please take notice Plaintiff hereby appeals to the Supreme Court of Nevada from:

1. All judgments and orders in this case;
2. Judgment on Jury Verdict entered on March 25, 2016, and noticed on March 28, 2016, attached herein as Exhibit 1;

FILED

Electronically

CV13-01704

2016-06-17 05:30:45 PM

Jacqueline Bryant

Clerk of the Court

Transaction # 5568638 : yviloria

Electronically Filed  
 Jun 24 2016 02:38 p.m.  
 Tracie K. Lindeman  
 Clerk of Supreme Court

1           3.       Amended Judgment on Jury Verdict entered on April 11, 2016, and noticed on  
2 April 12, 2016, attached herein as Exhibit 2;

3           4.       Order granting Motion to Dismiss Plaintiff's Complaint Against Ryan Tors  
4 Without Prejudice entered on March 9, 2015, and noticed on March 10, 2015, attached herein as  
5 Exhibit 3;

6           5.       Order denying Motion for Leave to File Amended Complaint dated March 24,  
7 2015, and noticed on March 24, 2015, attached herein as Exhibit 4;

8           6.       Order denying Motion to Reconsider the Dismissal of Ryan Tors entered on April  
9 23, 2015, and noticed on April 23, 2015, attached herein as Exhibit 5;

10          7.       Discovery Commissioner's Recommendation for Order regarding counter-motion  
11 to compel discovery of emails entered on December 28, 2015, attached herein as Exhibit 6;

12          8.       Order denying Motion for Case Concluding Sanctions for Violation of Discovery  
13 Order entered on December 23, 2015, attached herein as Exhibit 7;

14          9.       Order granting Motion for Attorney's Fees and Costs entered on April 4, 2016,  
15 attached herein as Exhibit 8;

16          10.       Order denying Plaintiff's Motion for New Trial entered on June 10, 2016 and  
17 noticed on even date, attached herein as Exhibit 9; and

18          11.       All rulings and interlocutory orders made appealable by any of the foregoing.  
19  
20

21 ///

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**Affirmation Pursuant to NRS § 239B.030**

The undersigned does hereby affirm that the preceding document does not contain the social security numbers of any person.

Dated this 17<sup>th</sup> day of June, 2016.

**COHEN|JOHNSON|PARKER|EDWARDS**

By: /s/ H. Stan Johnson  
H. STAN JOHNSON, ESQ.  
Nevada Bar No. 00265  
sjohnson@cohenjohnson.com  
CHRIS DAVIS, Esq.  
Nevada Bar No. 6616  
cdavis@cohenjohnson.com  
255 E. Warm Springs Road, Suite 100  
Las Vegas, Nevada 89119  
*Attorneys for MEI-GSR Holdings, LLC.,  
d/b/a GRAND SIERRA RESORT*

## EXHIBIT INDEX

Exhibit	Description	Pages
1	Judgment on Jury Verdict entered on March 25, 2016, and noticed on March 28, 2016	5
2	Amended Judgment on Jury Verdict entered on April 11, 2016, and noticed on April 12, 2016	4
3	Order granting Motion to Dismiss Plaintiff's Complaint Against Ryan Tors Without Prejudice entered on March 9, 2015 and noticed on March 10, 2015	3
4	Order denying Motion for Leave to File Amended Complaint dated March 24, 2015, and noticed on March 24, 2015	5
5	Order denying Motion to Reconsider the Dismissal of Ryan Tors entered on April 23, 2015, and noticed on April 23, 2015	6
6	Discovery Commissioner's Recommendation for Order regarding counter-motion to compel discovery of emails entered on December 28, 2015	12
7	Order denying Motion for Case Concluding Sanctions for Violation of Discovery Order entered on December 23, 2015	3
8	Order granting Motion for Attorney's Fees and Costs entered on April 4, 2016	7
9	Notice of Entry of Order dated June 10, 2016 Re: Order denying Plaintiff's Motion for New Trial	9

1  
2 **CERTIFICATE OF SERVICE**

3 Pursuant to NRCP 5(b), I certify that I am an employee of COHEN|JOHNSON|PARKER  
4 |EDWARDS, and that on this date I caused to be served a true and correct copy of the  
5 **AMENDED NOTICE OF APPEAL** on all the parties to this action by the method(s) indicated  
6 below:

7  
8 \_\_\_\_\_ by placing an original or true copy thereof in a sealed envelope, with sufficient  
9 postage affixed thereto, in the United States Mail, Las Vegas, Nevada and  
addressed to:

10   X   by using the Court's CM/ECF Electronic Notification System addressed to:

11 **ROBISON, BELAUSTEGUI, SHARP & LOW**

12 c/o Kent R. Robison, Esq.

13 71 Washington Street

14 Reno, Nevada 89503

15 krobison@rbsllaw.com

16 *Attorney for the Defendants Peppermill and Ryan Tors*

17 \_\_\_\_\_ by electronic email addressed to the above:

18 \_\_\_\_\_ by personal or hand/delivery addressed to:

19 \_\_\_\_\_ by facsimile(fax) addresses to:

20 \_\_\_\_\_ by Federal Express/UPS or other overnight delivery addressed to:

21 DATED the 17<sup>th</sup> day of June, 2016.

22 /s/ Sarah Gondek

23 An employee of Cohen Johnson Parker Edwards  
24  
25  
26  
27  
28



**Jayne Ferretto**

---

**From:** efilings@nvcourts.nv.gov  
**Sent:** Friday, June 24, 2016 2:42 PM  
**To:** Jayne Ferretto  
**Subject:** Notification of Electronic Filing in MEI-GSR HOLDINGS, LLC VS. PEPPERMILL CASINOS, INC., No. 70319

Supreme Court of Nevada

NOTICE OF ELECTRONIC FILING

---

**Notice is given of the following activity:**

**Date and Time of Notice:** Jun 24 2016 02:41 p.m.

**Case Title:** MEI-GSR HOLDINGS, LLC VS.  
PEPPERMILL CASINOS, INC.  
**Docket Number:** 70319  
**Case Category:** Civil Appeal  
**Document Category:** Notice of Appeal/Amended/Supplemental  
**Submitted by:** Washoe Co Clerk  
**Official File Stamp:** Jun 24 2016 02:38 p.m.  
**Filing Status:** Accepted and Filed  
**Docket Text:** Filed Notice of  
Appeal/Amended/Supplemental

The Clerk's Office has filed this document. It is now available on the Nevada Supreme Court's E-Filing website. Click [here](#) to log in to Eflex and view the document.

Electronic service of this document is complete at the time of transmission of this notice. The time to respond to the document, if required, is computed from the date and time of this notice. Refer to NEFR 9(f) for further details.

**Clerk's Office has electronically mailed notice to:**

Therese Shanks  
H. Johnson  
Mark Gunderson

Kent Robison

Mark Wray

**No notice was electronically mailed to those listed below; counsel filing the document must serve a copy of the document on the following:**

Scott Hernandez

Lansford Levitt

William Crockett

This notice was automatically generated by the electronic filing system. If you have any questions, contact the Nevada Supreme Court Clerk's Office at 775-684-1600 or 702-486-9300.

# EXHIBIT 6

---

**IN THE SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK**

MEI-GSR HOLDINGS, LLC, A NEVADA  
LIMITED LIABILITY COMPANY, D/B/A  
GRAND SIERRA RESORT,  
Appellant,  
vs.  
PEPPERMILL CASINOS, INC., A NEVADA  
CORPORATION, D/B/A PEPPERMILL  
CASINO; AND RYAN TORS, AN INDIVIDUAL,  
Respondents.

**Supreme Court No. 70319**  
District Court Case No. CV1301704

**NOTICE OF ASSIGNMENT TO NRAP 16 SETTLEMENT PROGRAM**

TO: Cohen Johnson Parker Edwards \ H. Stan Johnson  
Law Offices of Mark Wray \ Mark D. Wray  
Law Offices of William E. Crockett \ William E. Crockett  
Robison Belaustegui Sharp & Low \ Kent R. Robison  
Gunderson Law Firm \ Mark H. Gunderson  
Robison Belaustegui Sharp & Low \ Therese M. Shanks  
Robison Belaustegui Sharp & Low \ Scott L. Hernandez

Pursuant to NRAP 16, this matter is assigned to the Settlement Program. Any questions regarding scheduling should be directed to the assigned settlement judge:

Lansford W. Levitt  
4747 Caughlin Parkway #6  
Reno, NV 89519  
Phone: (775) 333-7366

- > Unless the settlement judge directs otherwise, each party shall submit a confidential settlement statement directly to the Settlement Judge within 15 days from the date of this notice. A settlement statement is limited to 10 pages, shall not be served on opposing counsel or submitted to the Supreme Court. See NRAP 16(d).
- > All counsel shall participate in a premediation telephone conference initiated by the settlement judge within 30 days of this Notice. See NRAP 16(b).
- > All papers or documents filed with the Supreme Court while a case is in the settlement program shall be served on all parties and the settlement judge. See NRAP 16(a)(3).
- > Additional information regarding the settlement program is available on the court's website: [http://supreme.nvcourts.gov/Settlement\\_Program/Overview/](http://supreme.nvcourts.gov/Settlement_Program/Overview/)

DATE: May 05, 2016

16-14087

Tracie Lindeman, Clerk of Court

By: Shaunna Troop  
Settlement Program Administrative Coordinator

Notification List

Electronic

Cohen Johnson Parker Edwards \ H. Stan Johnson

Law Offices of Mark Wray \ Mark D. Wray

Robison Belaustegui Sharp & Low \ Kent R. Robison

Gunderson Law Firm \ Mark H. Gunderson

Robison Belaustegui Sharp & Low \ Therese M. Shanks

Paper

Law Offices of William E. Crockett \ William E. Crockett

Robison Belaustegui Sharp & Low \ Scott L. Hernandez

Lansford W. Levitt, Settlement Judge

**Jayne Ferretto**

---

**From:** efiling@nvcourts.nv.gov  
**Sent:** Thursday, May 05, 2016 3:51 PM  
**To:** Jayne Ferretto  
**Subject:** Notification of Electronic Filing in MEI-GSR HOLDINGS, LLC VS. PEPPERMILL CASINOS, INC., No. 70319

Supreme Court of Nevada

NOTICE OF ELECTRONIC FILING

---

**Notice is given of the following activity:**

**Date and Time of Notice:** May 05 2016 03:49 p.m.

**Case Title:** MEI-GSR HOLDINGS, LLC VS.  
PEPPERMILL CASINOS, INC.

**Docket Number:** 70319

**Case Category:** Civil Appeal

**Document Category:** Issued Notice: Assignment to Settlement  
Program. Issued Assignment Notice to  
NRAP 16 Settlement Program. Settlement  
Judge: Lansford W. Levitt.

**Submitted by:** Issued by Court

**Official File Stamp:** May 05 2016 09:44 a.m.

**Filing Status:** Accepted and Filed

**Docket Text:** Issued Notice: Assignment to Settlement  
Program. Issued Assignment Notice to  
NRAP 16 Settlement Program. Settlement  
Judge: Lansford W. Levitt.

The Clerk's Office has filed this document. It is now available on the Nevada Supreme Court's E-Filing website. Click [here](#) to log in to Eflex and view the document.

Electronic service of this document is complete at the time of transmission of this notice. The time to respond to the document, if required, is computed from the date and time of this notice. Refer to NEFR 9(f) for further details.

**Clerk's Office has electronically mailed notice to:**

Therese Shanks  
H. Johnson  
Mark Gunderson  
Kent Robison  
Mark Wray

**No notice was electronically mailed to those listed below; counsel filing the document must serve a copy of the document on the following:**

Scott Hernandez  
Lansford Levitt  
William Crockett

This notice was automatically generated by the electronic filing system.  
If you have any questions, contact the Nevada Supreme Court Clerk's Office at 775-684-1600 or 702-486-9300.

# **EXHIBIT 7**



IN THE SUPREME COURT OF THE STATE OF NEVADA

MEI-GSR HOLDINGS, LLC, A NEVADA  
LIMITED LIABILITY COMPANY,  
D/B/A GRAND SIERRA RESORT,  
Appellant,

vs.

PEPPERMILL CASINOS, INC., A  
NEVADA CORPORATION, D/B/A  
PEPPERMILL CASINO; AND RYAN  
TORS, AN INDIVIDUAL,  
Respondents.

No. 70319

**FILED**

**JUL 01 2016**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER GRANTING MOTION TO WITHDRAW; REMOVING FROM  
SETTLEMENT PROGRAM; AND REINSTATING BRIEFING*

Cause appearing, we grant the motion to withdraw as counsel of record for respondent Ryan Tors. See NRAP 46(e)(3). Accordingly, the clerk shall remove attorney Mark H. Gunderson, Esq., and John R. Funk, Esq., of Gunderson Law Firm from the docket of this appeal.

Because Mr. Tors is proceeding on appeal in proper person, this appeal will be exempt from the settlement program. See NRAP 16(a). Accordingly, we reinstate the deadlines for requesting transcripts and filing the opening brief.

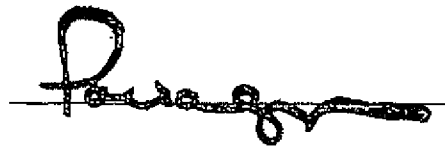
Appellant shall have 15 days from the date of this order to file and serve a transcript request form. See NRAP 9(a).<sup>1</sup> Further, appellant shall have 90 days from the date of this order to file and serve the opening

---

<sup>1</sup>If no transcript is to be requested, appellant shall file and serve a certificate to that effect within the same time period. NRAP 9(a).

brief and appendix.<sup>2</sup> Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

It is so ORDERED.

 C.J.

cc: Lansford W. Levitt, Settlement Judge  
Cohen Johnson Parker Edwards  
Law Offices of Mark Wray  
Law Offices of William E. Crockett  
Robison Belaustegui Sharp & Low  
Gunderson Law Firm  
Ryan Tors

---

<sup>2</sup>In preparing and assembling the appendix, counsel shall strictly comply with the provisions of NRAP 30.

**Jayne Ferretto**

---

**From:** efiling@nvcourts.nv.gov  
**Sent:** Friday, July 01, 2016 10:25 AM  
**To:** Kent Robison  
**Subject:** Notification of Electronic Filing in MEI-GSR HOLDINGS, LLC VS. PEPPERMILL CASINOS, INC., No. 70319

Supreme Court of Nevada

NOTICE OF ELECTRONIC FILING

---

**Notice is given of the following activity:**

**Date and Time of Notice:** Jul 01 2016 10:24 a.m.

**Case Title:** MEI-GSR HOLDINGS, LLC VS.  
PEPPERMILL CASINOS, INC.  
**Docket Number:** 70319  
**Case Category:** Civil Appeal

**Document Category:** Filed Order Granting Motion to Withdraw;  
Removing From Settlement Program; and  
Reinstating Briefing. We grant the motion  
to withdraw as counsel of record for  
respondent Ryan Tors. The clerk shall  
remove attorney Mark H. Gunderson, Esq.,  
and John R. Funk, Esq., of Gunderson Law  
Firm from the docket of this appeal.  
Because Mr. Tors is proceeding on appeal  
in proper person, this appeal will be exempt  
from the settlement program. We reinstate  
the deadlines for requesting transcripts and  
filing the opening brief. Appellant 15 days  
from the date of this order to file and serve  
a transcript request form; 90 days from the  
date of this order to file and serve the  
opening brief and appendix.

**Submitted by:** Issued by Court  
**Official File Stamp:** Jul 01 2016 08:25 a.m.  
**Filing Status:** Accepted and Filed

**Docket Text:** Filed Order Granting Motion to Withdraw;  
Removing From Settlement Program; and

Reinstating Briefing. We grant the motion to withdraw as counsel of record for respondent Ryan Tors. The clerk shall remove attorney Mark H. Gunderson, Esq., and John R. Funk, Esq., of Gunderson Law Firm from the docket of this appeal.

Because Mr. Tors is proceeding on appeal in proper person, this appeal will be exempt from the settlement program. We reinstate the deadlines for requesting transcripts and filing the opening brief. Appellant 15 days from the date of this order to file and serve a transcript request form; 90 days from the date of this order to file and serve the opening brief and appendix.

The Clerk's Office has filed this document. It is now available on the Nevada Supreme Court's E-Filing website. Click [here](#) to log in to Eflex and view the document.

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**Clerk's Office has electronically mailed notice to:**

Therese Shanks  
H. Johnson  
Kent Robison  
Mark Wray

**No notice was electronically mailed to those listed below; counsel filing the document must serve a copy of the document on the following:**

Scott Hernandez  
Lansford Levitt  
Ryan Tors  
William Crockett

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