

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

2
3 MEI-GSR HOLDINGS, LLC, a
4 Nevada Limited Liability Company,
5 d/b/a/ GRAND SIERRA RESORT,

6 Appellants,

7 vs.

8 PEPPERMILL CASINO, INC., a
9 Nevada Corporation, d/b/a/
10 PEPPERMILL CASINO; RYAN
11 TORS, an individual,

12 Respondents.

Supreme Court No. 70319

District Court Case No.: CV13-01704

Electronically Filed
Jan 19 2017 09:03 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

13 **REPLY IN SUPPORT OF APPELLANT'S MOTION FOR PERMISSION**
14 **TO FILE APPELLANT'S OPENING BRIEF APPENDIX**
15 **VOLUMES 2-7, 9, 11-16 UNDER SEAL**

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1 PEPPERMILL CASINO, INC. (“Peppermill”) clearly did not even attempt
2 to examine the portion of the record Appellant MEI-GSR HOLDINGS, LLC
3 (“GSR”) requested to file under seal. Contrary to Peppermill’s claim, GSR is not
4 seeking to file any record concerning the trial of this matter. *See Op.* at 2:14-16.
5 Testimony and Exhibits offered at trial may be found in Appellant’s Opening
6 Brief Appendix Volumes 17 - 27, all of which GSR openly filed with this Court.
7 As GSR is not seeking to seal any of these volumes, Peppermill’s opposition
8 simply makes no sense.

9 The only volumes GSR seeks to file under seal are Volumes 2-7, 9, 11-16
10 of Appellant’s Opening Brief Appendix. Peppermill admits that the district court
11 ordered pretrial papers or exhibits which the parties designated as “Confidential”
12 or “Highly Confidential” were to be protected. *See Op.* at 1:20-24. Peppermill
13 does not dispute that Volumes 2-7, 9, 11-16 have extensive papers or exhibits
14 which the parties designated as “Highly Confidential” and were therefore
15 protected by the district court’s order. Peppermill acknowledges that such
16 records should be filed under seal, pursuant to SRCR Part VII, Rule 7 (“Court
17 records sealed in the trial court shall be sealed from public access in the Nevada
18 Supreme Court subject to further order of that court”). *See Op.* at 1:14-17.
19 Peppermill therefore has no real objection to filing Volumes 2-7, 9, 11-16 under
20

1 seal, as these volumes contain no trial exhibits or transcripts, but contain those
2 records protected by the district court's order.

3 Nevertheless, Volumes 2-6, 9, 11, 14 and 16 contain documents that
4 Peppermill previously designated as "Confidential" or "Highly Confidential." As
5 Peppermill apparently no longer asserts any confidentiality with respect to those
6 documents, GSR has no objection to openly filing those volumes. Nevertheless,
7 Volumes 7, 12, 13, and 15 contain documents that GSR designated as
8 "Confidential" or "Highly Confidential," which Peppermill admits are protected
9 by court order and should be protected in this Court pursuant to SRCR Part VII,
10 Rule 7. Accordingly, this Court should grant GSR's motion to file Appellant's
11 Opening Brief Appendix Volumes 7, 12, 13 and 15 under seal.

12 Dated this 18th day of January 2017

13 COHEN|JOHNSON|PARKER|EDWARDS

14 By: /s/ Chris Davis

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CERTIFICATE OF SERVICE

I certify that on 18th day of January, 2017, pursuant to N.E.F.R. 7, I caused the **REPLY IN SUPPORT OF APPELLANT’S MOTION FOR PERMISSION TO FILE APPELLANT’S OPENING BRIEF APPENDIX VOLUMES 2-7, 9, 11-16 UNDER SEAL** to be filed electronically with the Clerk of the Nevada Supreme Court. Pursuant to N.E.F.R. 9, notice of an electronically filed document by the Court “shall be considered as valid and effective service of the document” on the below listed persons who are registered users.

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

Ryan Tors
3095 Idlewild Drive
Reno, Nevada 89509

DATED the 18th day of January, 2017.

/s/ Sarah Gondek
An employee of
COHEN|JOHNSON|PARKER|EDWARDS