

Lucas, A.F. (2009, November). Slot marketing in repeater markets. Sponsored by the Entertainment Business Institute (EBI) of Japan, Las Vegas, Nevada.

Lucas, A.F. (2009, November). The role of the physical environment in slot player satisfaction. Presented to the Australian club managers as part of an IGI training seminar, Las Vegas, Nevada.

Lucas, A.F. (2009, November). Slot marketing in repeater markets. Presented to the Australian club managers as part of an IGI training seminar, Las Vegas, Nevada.

Lucas, A.F. (2009, October). Dead chip programs. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.

Lucas, A.F. (2009, October). Effectiveness of match-play offers. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.

Lucas, A.F. (2009, October). A deeper look into the slot player experience. IGI/Compton-Dancer Slot Leadership Seminar, Las Vegas, Nevada.

Lucas, A.F. (2009, October). Lottery promotions. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.

Lucas, A.F. (2009, October). Table game hold as a management tool. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.

Lucas A. F., (2009, September). Problems facing casino operators who cater to a repeat clientele. Seminar in conjunction with San Diego State University's Sycuan Institute on Tribal Gaming, San Diego, California.

Lucas, A.F. (2009, September). A deeper look into the slot player experience. IGI & Compton-Dancer Slot Leadership Seminar: Advanced Topics Session, Las Vegas, NV.

Lucas, A.F. (2009, May). Empirical casino operations management research. 14th International Conference on Gambling & Risk Taking. Lake Tahoe, NV.

Lucas, A.F. (2009, March). Slot operations & slot management. Presented as part of IGI's Barona Management Certificate Seminar, San Diego, CA.

Lucas, A.F. (2009, March). A deeper look into the slot player experience. IGI & Compton-Dancer & IGI Slot Leadership Seminar: Advanced Topics Session, Las Vegas, NV.

Lucas, A.F. (2009, February). Understanding Hold Percentage. Presented at IGI's Gaming Regulators Seminar, Las Vegas, NV.

Bernhard, B.J., & Lucas, A.F. (2008, January). Internet gambling in Nevada. Presented to a joint session of the Nevada Gaming Commission & Nevada Gaming Control Board, Las Vegas, Nevada.

Lucas, A.F. (2008, May). Table game hold as a management tool. Presented at IGI's Gaming Management Training Program, Las Vegas, Nevada.

Lucas, A.F. (2008, May). Basic slot math. Presented at IGI's Gaming Management Training Program, Las Vegas, Nevada.

Lucas, A.F. (2008, May). Dead chip mechanics. Presented at IGI's Gaming Management Training Program, Las Vegas, Nevada.

Lucas, A.F. (2008, May). The role of the physical environment in slot player satisfaction. Presented at IGI's Gaming Management Training Program, Las Vegas, Nevada.

Lucas, A.F. (2008, May). A deeper look into the slot player experience. Presented at IGI's Gaming Management Training Program, Las Vegas, Nevada.

Lucas, A.F. (2008, September). A deeper look into the slot player experience. Compton-Dancer Slot Leadership Seminar: Advanced Topics Session, Las Vegas, NV.

Lucas, A.F. (2008, October). Lottery promotions, match-play coupons, and dead chips: The mechanics of play incentives. UNLV IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.

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Lucas, A.F. (2008, November). The role of the physical environment in slot player satisfaction. Presented to the Australian club managers as part of an IGI training seminar, Las Vegas, Nevada.

Lucas, A.F. (2008, November). The role of the physical environment in slot player satisfaction. Presented to management delegates from Panamanian casinos, Las Vegas, Nevada.

Lucas, A.F. (2008, November). A deeper look into the slot player experience. Presented to management delegates from Panamanian casinos, Las Vegas, Nevada.

Lucas, A.F. (2008, December). Slot management. Presented to delegates from the Grand Korea Corporation (7 Luck Casino), Las Vegas, Nevada.

Lucas, A.F. (2008, December). Defining Las Vegas markets. Presented to the Korean Casino Association, Las Vegas, Nevada.

Lucas, A.F. (2008, December). Casino marketing. Presented to delegates from the Grand Korea Corporation (7 Luck Casino), Las Vegas, Nevada.

Lucas, A.F. (2008, December). Dead chip mechanics & premium play incentives. Presented to management delegates from the Kangwonland Casino, Las Vegas, Nevada.

Lucas, A.F. (2007, January). US gaming trends. Presented to the Board of Directors of Fairfield RSL Memorial Club, Ltd., Sydney, Australia.

Lucas, A.F. (2007, January). Impacts of cost-cutting practices on the customer experience. Presented to the Board of Directors of Fairfield RSL Memorial Club, Ltd., Sydney, Australia.

Lucas, A.F. (2007, January). Data mining and database analysis. Presented as part of IGI's Barona Management Certificate Seminar, San Diego, CA.

Lucas, A.F. (2007, February). Slot operations & slot management. Presented as part of IGI's Barona Management Certificate Seminar, San Diego, CA.

Lucas, A.F. (2007, May). Slot operations management. Presented at IGI's Kangwonland Management Seminar, Las Vegas, NV.

Lucas, A.F. (2007, May). Casino game analysis. Presented at IGI's Kangwon Land Management Seminar, Las Vegas, NV.

Lucas, A.F. (2007, June). Casino math & slot operations. Presented at the IGI/Macau University Gaming Education Seminar, Las Vegas, NV.

Lucas, A.F. (2007, September). Slot marketing in repeater markets: Best demonstrated practices. Presented at EBI's Gaming Seminar, Las Vegas, NV.

Lucas, A.F. (2007, October). Slots: Inside the numbers. Presented at the IGI's Casino Auditing 2 Seminar, Las Vegas, NV.

Lucas, A.F. (2007, October). Casino Marketing. Presented at the IGI's Casino Auditing 2 Seminar, Las Vegas, NV.

Lucas, A.F. (2007, October). Slot Clubs. Presented at the IGI's Casino Auditing 2 Seminar, Las Vegas, NV.

Lucas, A.F. (2007, November). Managing the Physical Environment.. Presented at the IGI's Australian Club Mangers Tour, Las Vegas, NV.

Lucas, A.F. (2007, November). Data mining and database analysis. Presented to executives from Panthers Entertainment Group in Penrith, Australia. IGI, Las Vegas, NV.

Lucas, A.F. (2007, November). Casino operations overview. Presented to representative from Golden Key Casino in Mombassa, Kenya. IGI, Las Vegas, NV.

Lucas, A.F. (2007, November, 13). Casino marketing. Presented at IGI's seminar for the Korean Gaming Association, Las Vegas, NV.

Lucas, A.F. (2007, November, 15). Understanding Hold Percentage. Presented at IGI's seminar for the Korean Gaming Association, Las Vegas, NV.

Lucas, A.F. (2007, December, 5). Slot operations management. Presented at IGI's Kangwonland Management Seminar, Las Vegas, NV.

Lucas, A.F. (2007, December, 6). Casino game analysis. Presented at IGI's Kangwon Land Management Seminar, Las Vegas, NV.

Lucas, A.F. (2006, February). Slot marketing in repeater markets: Best demonstrated practices. Presented at EBI's Gaming Seminar, Las Vegas, NV.

Lucas, A.F. (2006, March). Slot marketing in repeater markets: Best demonstrated practices. Presented at EBI's Gaming Seminar, Las Vegas, NV.

Lucas, A.F. (2006, March). Casino marketing. Presented at IGI's Chilean Gaming Managers Seminar, Las Vegas, NV.

Lucas, A.F. (2006, April). Slot marketing in repeater markets: Best demonstrated practices. Presented at EBI's Gaming Seminar, Las Vegas, NV.

Lucas, A.F. (2006, May). Slot marketing in repeater markets: Best demonstrated practices. Presented at EBI's Gaming Seminar, Las Vegas, NV.

Lucas, A.F. (2006, June). Trends in US slot operations. Konami Incentive Program, Las Vegas, NV.

Lucas, A.F. (2006, June). Slot Operations & Mechanics. Presented at the IGI/Macau University Gaming Education Seminar, Las Vegas, NV.

Lucas, A.F. (2006, June). Slots: Inside the numbers. Presented at the IGI's Casino Auditing 2 Seminar, Las Vegas, NV.

Lucas, A.F. (2006, June). Casino Marketing. Presented at the IGI's Casino Auditing 2 Seminar, Las Vegas, NV.

Lucas, A.F. (2006, June). Slot Clubs. Presented at the IGI's Casino Auditing 2 Seminar, Las Vegas, NV.

Lucas, A.F. (2006, July). Trends in US Gaming. Presented at the IGI's Anthony Sobby Tour, Las Vegas, NV.

Lucas, A.F. (2006, September). Casino marketing in repeater markets. Presented at EBI's Gaming Seminar, Las Vegas, NV.

Lucas, A.F. (2006, September). Trends in US Gaming. Presented at IGI's Swedish Gaming Regulators Seminar, Las Vegas, NV.

Lucas, A.F. (2006, October). Slots: Inside the numbers. Presented at the IGI's Casino Auditing 2 Seminar, Las Vegas, NV.

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Lucas, A.F. (2006, November). Slot industry trends. Presented at the IGI's Australian Club Mangers Tour, Las Vegas, NV.

Lucas, A.F. (2006, November). Financial metrics for the US gaming industry. Presented to the Pachinko Parlors Consortium, Las Vegas, NV.

Lucas, A.F. (2005, October). Slot Marketing in Repeater Markets: Best Demonstrated Practices Presented at EBI's Gaming Seminar, Las Vegas, NV.

Lucas, A.F. (2005, September). Slot Floor Analysis: Performance-Potential Modeling. Presented at the 2005 Australian Gaming Executives Tour, Las Vegas, NV.

Lucas, A.F. (2005, September). Determining the Antecedents of Slot Player Satisfaction: A Servicescape Perspective. Presented at the 2005 Australian Gaming Executives Tour, Las Vegas, NV.

Lucas, A.F. (2005, July). Slot Marketing in Repeater Markets. Presented at the EBI (of Japan) Gaming Seminar, Las Vegas, NV.

Lucas, A.F. (2005, July). *Performance-potential modeling*. Presented at the IGI's Australian Gaming Executive Development Program, Las Vegas, NV.

Lucas, A.F. (2005, June). *Slot Operations & Mechanics*. Presented at the IGI/Macau University Gaming Education Seminar, Las Vegas, NV.

Lucas, A.F. (2005, June). *Slot Marketing & Analysis*. Presented at the IGI/Macau University Gaming Education Seminar, Las Vegas, NV.

Lucas, A.F. (2005, June). *Slot math, mechanics & marketing (3 presentations)*. Presented at the IGI's Gaming Regulator Seminar, Las Vegas, NV.

Lucas, A.F. (2005, May). Gaming development issues in emerging markets. Presented at Waseda University, Tokyo, Japan.

Lucas, A.F. (2004, December). Casino operations: Managing for success. Presented for IGI's Capitaland Gaming Industry Certificate Program, Singapore.

Lucas, A.F. (2004, December). *Applications of statistical analysis in the casino industry*. Presented at the IGI's Korean Casino Management Seminar, Las Vegas, NV

Lucas, A.F. (2004, November). Slot Management Seminar (multiple presentations). Presented for the IGI's Barona Management Certificate Program, San Diego, CA.

Lucas, A.F. (2004, October). Analysis of the slot floor: Performance measures with managerial and design implications. Presented at the Seminar on Gaming Management in Asia Pacific, Hong Kong.

Lucas, A.F. (2004, October). Slot operations management. Presented at the Seminar on Gaming Management in Asia Pacific, Hong Kong.

Lucas, A.F. (2004, September) Influences of marketing variables on slot performance. Presented at the IGI's Australian Gaming Executive Development Program, Las Vegas, NV.

Lucas, A.F. (2004, September). Slot operations: Variance in unit-level performance. Presented at the IGI's Australian Gaming Executive Development Program, Las Vegas, NV.

Lucas, A.F. (2004, July). Slot management: Operations analysis (2 presentations). IGI presentation to a representative of the Ritzio Gaming Company of Russia. Las Vegas, NV.

Lucas A.F. (2004, June). Slot operations and slot marketing: Measuring effectiveness (9 presentations). Presented at the IGI's Seminar on Slot Management, Jackpot Casinos, Moscow, Russia.

Lucas, A.F. (2004, June). Slot math, mechanics and marketing (3 presentations). Presented at the IGI's Casino Auditing Seminar, Level 2, Las Vegas, NV.

Lucas, A.F. (2004, June). Customer Loyalty: Slot Marketing Issues. Presented at the Ace Denkin Gaming Seminar, Las Vegas, NV.

Lucas, A.F. (2004, March). Slot math, mechanics, and marketing (3 presentations). Presented at the IGI's Casino Auditing Seminar, Level 2, Las Vegas, NV.

Lucas, A.F. (2003, November). Slot Management Seminar (multiple presentations). Presented for the IGI's Barona Management Certificate Program, San Diego, CA.

Lucas, A.F. (2003, October). Using advanced analytical methods in slot performance analysis: A performance – potential model. Presented to the management of the Aladdin Hotel Casino, Las Vegas, NV.

Lucas, A.F. (2003, September) Influences of marketing variables on slot performance. Presented at the IGI's Australian Gaming Executive Development Program, Las Vegas, NV.

Lucas, A.F. (2003, September). Slot operations: Variance in unit-level performance. Presented at the IGI's Australian Gaming Executive Development Program, Las Vegas, NV.

Lucas, A.F. (2003, March). Customer Loyalty: Slot Marketing Issues. Presented at the Ace Denkin Gaming Seminar, Las Vegas, NV.

Lucas, A.F. (2002, September). Slot operations: Management and marketing issues. Presented at the IGI's Australian Gaming Executive Seminar, Las Vegas, NV.

Lucas, A.F. (2002, September). Player tracking systems and slot marketing issues. Presented at the Ace Denkin Gaming Seminar, Las Vegas, NV.

Lucas, A.F. (2002, June). Slot marketing & loyalty issues: A basic approach to a US repeater market. Presented at the IGI's Australian Gaming Executive Seminar, Las Vegas, NV.

Lucas, A.F. (2002, February). Measuring the effect of location and machine characteristics on slot machine performance. Presented at the Gaming Finance and Operations Conference, Las Vegas, NV.

Lucas, A. F. (2001, August). Slot Management Seminar (multiple presentations). Presented for the IGI's Barona Management Certificate Seminar, San Diego, CA.

Lucas, A. F. (2001, June). Slot Management Seminar (multiple presentations). Presented for the IGI's Barona Management Certificate Seminar, San Diego, CA.

Lucas, A.F. & Bowen, J.T. (2000, June). Casino promotions: Are you getting a return on your investment?, 11th Annual Conference on Gambling and Risk Taking, Las Vegas, NV.

Lucas, A.F. (2000, February). Measuring the effects of casino promotions. Casino Controllers Conference, Las Vegas, NV.

Editorial Experience

- Associate Editor, UNLV Gaming Research & Review Journal

- Member of the UNLV Gaming Research & Review Journal's International Editorial Advisory Board 2002 – 2012
- Ad Hoc Reviewer for the UNLV Gaming Research & Review Journal.
- Ad Hoc Reviewer for International Journal of Hospitality Management
- Ad Hoc Reviewer for the Journal of Hospitality and Tourism Research
- Ad Hoc Reviewer for the Cornell Hospitality Quarterly
- Ad Hoc Reviewer for American Behavioral Scientist.

Teaching Experience

- Introduction to the Casino (UNLV, GAM 225)
- Casino Operations Management I (UNLV, GAM 334)
- Casino Operations Management II (UNLV, GAM 434)
- Casino Marketing (UNLV, GAM 440/640)
- Principles of Casino Management (UNLV, HOA 718)
- Research Seminar in Casino Topics (UNLV, HOA 763)
- Statistical Analysis in Hospitality & Leisure Services (UNLV, HOA 730)

Consulting Clients - Abridged List: All Gaming Matters

Affinity Gaming, LLC.
 Aladdin Resort Casino
 American Gaming Association
 Argosy Gaming
 Barona Valley Ranch Resort & Casino
 Caesars Entertainment
 Capitaland (Singapore)
 Compton Dancer Consulting
 Commonwealth Financial Network
 Creek Nation Casino – Tulsa
 Cyberarts
 Dotty's Gaming & Spirits
 Entertainment Business Institute (EBI of Japan)
 Eudora Global
 Excalibur Hotel Casino
 Fairfield RSL (Australia)
 Fertitta Acquisitionsco, LLC. (Ultimate Poker)
 Global Gaming Group
 Global Network Consulting / U.S. Army
 Golden Key Casino (Kenya)
 Grupo Caliente (Mexico)
 Harrah's Entertainment, Inc.
 Hong Kong Polytechnic University
 International Game Technology (IGT)
 Insight Diligence Services
 Isle of Capri Casinos

Isleta Resort & Casino
 Jackpot Casinos (Russia)
 Kangwon Land Casino (Korea)
 Law Offices of Walther, Key, Maupin, Oats, Cox & Legoy
 Luxor Hotel Casino
 MGM Macau
 Nelson Law
 Nevada Gaming Control Board
 Nevada Restaurant Services, Inc.
 New York – New York Hotel Casino
 Ocho Global
 Palazzo Law Firm
 Panthers Entertainment Group (Australia)
 Peppermill Casinos, Inc.
 Responsible Gaming Association of New Mexico
 Responsible Gaming Council (Canada)
 Sandia Resort & Casino
 Silver Sevens Hotel & Casino
 Stations Casinos
 Sunset Station Hotel Casino
 Sycuan Institute on Tribal Gaming – San Diego State University
 Techlink International Entertainment Limited (TECHLINK Canada)
 Toke Gaming Corp.
 U.S. Department of Justice
 U.S. Department of Treasury
 U.S. Internal Revenue Service
 University of Macau
 Venture Catalyst Incorporated (VCAT) – Mariposa
 Walker-Hill Casino (Korea)
 Waseda University (Japan)
 Winston & Strawn Law Firm
 (See industry presentations for more)

Expert Witness Reports

- Esther K. Chow & John F. Chow vs. United States of America, IRS, Small Business/Self-employed Division (2012/2013)
- Nadia Walker, Connie Perry, & Lesa Grant vs. Venetian Casino Resort, LLC (2011)
- BBB Operating Company fka Horseshoe Club Operating Company vs. United States of America, IRS/Appeals Office (2008)
- Exxon-Mobil vs. Venetian (2002)
- Curtis Pilot vs. Aladdin (2002)
- Interim Holdings, LLC vs. Argosy Gaming Company (2000)

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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, d/b/a GRAND SIERRA RESORT,

Case No.: CV13-01704

Plaintiff,

Dept. No.: B7

v.

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 ABC
CORPORATIONS I-X,

Defendants.

PLAINTIFF MEI-GSR HOLDINGS, LLC, d/b/a GRAND SIERRA RESORT'S
MOTION TO STRIKE AND DISMISS DEFENDANT PEPPERMILL'S MOTION
FOR CASE TERMINATING SANCTIONS

Plaintiff, MEI-GSR HOLDINGS, LLC, d/b/a GRAND SIERRA RESORT (GRAND
SIERRA RESORT), by and through its counsel of record, H. Stan Johnson, Esq, of Cohen-
Johnson, LLC, hereby files its Motion to Strike PEPPERMILL'S Motion for Case Terminating
Sanctions or in the alternative to Compel Discovery Opposition and in support of this opposition
states as follows:

...

...

1 This opposition is based upon the attached Memorandum of Points and Authorities;
2 Exhibits, attached hereto, as well as the arguments and evidence presented at any hearing
3 convened to consider these motions.

4
5 Dated this 9th day of September 2014.

COHEN-JOHNSON, LLC

6
7 By: 

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POINTS AND AUTHORITIES

I INTRODUCTION

14 Once again Peppermill had decided that it may flaunt the Nevada Rules of Civil
15 Procedure and the local rules with Impunity. Peppermill has adamantly refused to comply with
16 the provisions of NRCP 16.1 and the provisions of Local Rule 12 (6). Peppermill has also
17 refused to honor agreements made in both open court and in writing and Peppermill's has yet to
18 provide a single relevant document under 16.1. It must also be noted that Peppermill is seeking
19 "case terminating sanctions" claiming that GSR is in violation of non-existent court orders and
20 on issues which are still under consideration by this court. Case terminating sanctions, at a
21 minimum would require the failure of GSR to comply with court orders or to fail to respond to
22 motions. GSR is in full compliance with all court orders and has responded to the multiple and
23 duplicative motions filed by Peppermill. In order to respond GSR will deal with each accusation
24 individually.

25 Peppermill's motion is also improper in that many of the issues raised in this motion are
26 currently pending in other motions before this court, making this motion improper and untimely
27 and creating an undue burden on both the Plaintiff and the Court who must deal with this
multiplicity of redundant motions. Moreover although Peppermill is claiming discovery

1 violations, it has chosen to bypass the discovery commissioner and filed these motions directly
2 with the Court.

3 **II. LAW and ARGUMENT**

4 **A. Motion to Strike:**

5 Peppermill has brought a motion for case terminating sanctions and in the alternative a
6 motion to compel discovery. This motion is improper and should be stricken for failure to
7 comply with Local Rule 12(6) which provides in pertinent part:

8 **Rule 12. Motions; points and authorities and decisions.**

9 6. All discovery motions shall include the certificate of moving
10 counsel certifying that after consultation with opposing counsel, they have
11 been unable to resolve the matter.

12 No such certificate has been attached to this motion. In Peppermill's usual practice of
13 omission, Peppermill attached its letter demanding a dispute resolution conference and Plaintiff's
14 response agreeing to the scheduling of one. Somehow Peppermill failed to attach Mr. Robison's
15 letter of August 21, 2014 refusing to have a conference. This omission seems understandable
16 since although it is dated only a few days before the "rescheduled depositions" no reference is
17 made to them, or to what would have been the reasonable step of suggesting a conference be held
18 at the depositions. (*See letter from Kent Robison, Esq. dated 8/21/14 attached hereto as Exhibit*
19 *1*).

20 Moreover, this is not the first time that the Peppermill has deliberately refused to conduct
21 a dispute resolution conference before filing motions in this case. As noted earlier this is also not
22 the first time that Peppermill has filed motions dealing with discovery directly with this Court
23 bypassing the procedures set forth in the local rules automatically referring all discovery issues
24 to the discovery master. This refusal to comply with the rules is the common practice of the
25 Peppermill, and is must not be condoned. Therefore this motion should be stricken and
26 appropriate sanctions against Peppermill, including attorneys fees should be awarded to GSR.

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1 **B. Failure to comply with NRCP 16.1**

2 Peppermill claims that Plaintiff has refused to comply with NRCP 16.1 this is untrue,
3 Plaintiff served its initial disclosure on January 3, 2014 which included all relevant documents
4 under NRCP 16.1 and filed a supplemental disclosure on July 8, 2014 which expanded GSR's
5 computation of damages (*See GSR's Initial 16.1 Disclosures and First Supplemental Disclosure*
6 *attached as Exhibit 2*).

7 On January 8, 2014 Peppermill produced its initial disclosure which stated:

8 **B. List of Documents: NRCP 16.1(a)(1)(B)**

9 Defendant discloses the following documents:

- 10 1. Each and every document disclosed by plaintiff and
11 2. Defendant's documents identified as PM1-PM51.

12 The disclosure (*See Peppermill's Initial 16.1 Disclosures attached as Exhibit 3*) consists of
13 unidentified documents without specifying either the source of the documents which are almost
14 exclusively limited to screen shots of computerized advertising for Grand Sierra Resort,
15 unidentified publications and screen shots of ads for Slot keys on e-bay apparently dated January
16 29, 2013 and August 2013, after Ryan Tors began his activities. Not a single document has been
17 produced pertaining to the information illicitly obtained by Ryan Tors, including the specific
18 machines accessed, the information obtained, documents showing who was given access to the
19 information, and any emails during the admitted 4 years that this spying scheme was in effect.
20 Peppermill has attempted to justify its refusal by claiming that documents provided to the
21 Gaming Board are not discoverable, this argument is specious and has been rejected by both
22 Commissioner Ayres and this Court when a similar issue arose in Golden Road v. Islam CV12-
23 01171. Moreover while not requiring a formal privilege log Commissioner Ayres in his
24 September 2005 Notes stated:
25

26 ...

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1 Again, Rule 16.1 allows a party to assert that the disclosures
2 otherwise required by Rule 16.1(a) (1) should not apply in a given case, and
3 Rule 16.1(c)(2) allows a party to assert that position in the case conference
4 report.

5 Peppermill has made no such claim in its disclosure statement.

6 Lastly Mr. Robison in his affidavit admits that he has produced no documents and has the
7 gall to defend his conduct by stating. (*See Affidavit of Kent R. Ribison, Esq. attached as Exhibit*
8 *4)*

9 14. I have requested GSR to inform the Peppermill with some degree of
10 specificity and/or particularity what documents GSR thinks that Peppermill
11 has that should be produced under NRCP 16.1. I have invited GSR to serve
12 requests for production of documents on the Peppermill. The GSR has
13 never indicated what documents or what information it thinks the
14 Peppermill has that should be produced under NRCP 16.1.

15 Even though GSR has no duty to "specify" what documents Peppermill is obligated to
16 disclose pursuant to NRCP 16.1 On June 15, 2014 GSR sent Mr. Robison an email stating:

17 This will confirm the conference we had today. I am requesting that you
18 provide all documents as required under NRCP 16.1 including but not limited
19 to all documents regarding all visits to GSR by Ryan Tors where he accessed
20 any slot machines and obtained PARs or any other information as a result of
21 his accessing the machines. I am also requesting any and all documents
22 showing to whom this information was provided including emails, memos,
23 texts, spreadsheets, etc. To the extent these documents may include
24 information concerning properties other than GSR or Peppermill, a privilege
25 log is requested. It is my understanding you will be let me
26 know what documents you will be providing by Wednesday June 18, 2014.

27 We are also asking for copies of all documents concerning Ryan Tors which
28 were produced to the Gaming Board. I understand that you are objecting to
29 these documents as confidential and therefore we will be filing a
30 motion for such documents under NRS 463.341.

31 In order to insure that all parties who may be affected by this motion receive
32 notice I am also requesting you provide me with a list of all the properties
33 which Ryan Tors or any other Peppermill employee visited for similar
34 purposes. (*See email from Kent R. Robison, Esq. dated June 15, 2014*
35 *attached as Exhibit 5)*

36 At the present time a motion to compel Peppermill's compliance with NRCP 16.1 is
37 pending with the Court.

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1 **C. GSR has Provided a Computation of Damages**

2 Also untrue is Peppermill's claim that GSR has failed to provide a computation of
3 damages. GSR has provided the following computation of damages:

4 Damages are sought pursuant to NRS 600A.050 (1) Damages will be
5 computed based on the number of times Mr. Tors accessed machines at the
6 GSR without permission, and the number of machines so accessed based on
7 the benefit obtained by the Peppermill from use of the illegally obtained
trade secret information based on the cost of legally and legitimately
obtaining the same information.

8 And or in the alternative the measure of damages Plaintiff claims a
9 reasonable royalty NR S 600A.050 (2) for the unlawful acquisition and
disclosure and potential use of said trade secrets in an amount to be
determined at trial or a royalty in an amount to be determined at trial.

10 Plaintiff also seeks punitive damages based on the willful nature of the
11 conduct.

12 Plaintiff reserves the right to supplement this production, as discovery is
13 ongoing. (See GSR's Initial 16.1 Disclosures and First Supplemental
Disclosure attached as Exhibit 2).

14 The foregoing computation of damages complies with the Nevada Supreme Court's
15 decision in Mort Wallin of Lake Tahoe Inc. v. Commercial Cabinet Co. 105 Nev. 855,784 P.3d
16 954 (1989) which held:

17 The party seeking damages has the burden of proving both the fact of
18 damages and the amount thereof. *Kelly Broadcasting v. Sovereign*
19 *Broadcast*, 96 Nev.188, 193-194, 606 P.2d 1089, 1093 (1980); *Alper v.*
20 *Stillings*, 80 Nev. 84, 86-87, 389 P.2d 239, 240 (1964). The latter aspect of
21 the burden need not be met with mathematical exactitude, but there must be
an evidentiary basis for determining a reasonably accurate amount of
damages. *Central Bit Supply v. Waldrop Drilling*, 102 Nev. 139, 142, 717
P.2d 35,37 (1986), *Haner v. Quincy Farm Chemicals, Inc.* 97 Wash. 2d
753, 649 P.2d 828,830 (1982); *Reposa v. Buhler*, 770 P. 2d 235 (Wyo.1989)

22 It is GSR not Peppermill who determines the damages it is claiming. Peppermill stole
23 and used information constituting trade secrets. Peppermill claims that it did not use the
24 information and asks the Court to accept that as an undisputed fact. Although that claim was
25 made in response to the complaint filed by the Gaming Board, even the Gaming Commission
26 questioned it.

27 ...

28 ...

1 At the hearing of February 20, 2014 Commissioner Tony Alamo, M.D. stated:

2 I don't believe that the -- the information was never used or not used, then
3 why was it done for so many years in so many different properties. It is
4 information, and information is power. And that's why Tors went out
there and got the information.

5 So that's a fact. Whether or not it was used or not, it was used somehow. It
6 had to be worth something or Tors wouldn't be sent out on this mission
(See Copy of Transcript of proceedings dated February 20, 2104 P. 43 ll 2-
6 attached as Exhibit 6)

7 Moreover, whether or not a jury believes the testimony of the Defendants is another
8 matter entirely. Evidence of the use to which the information was put, may well be discovered
9 once Peppermill is compelled to produce documents under NRCP 16.1 As Commissioner Ayres
10 in his Notes from September 2005 stated: "... Likewise, a party would not be expected to
11 provide a calculation of damages which depends on information in the possession of another
12 party... "

13 David Schwartz Ph.D., Plaintiff's expert whose affidavit and CV are attached hereto and
14 incorporated herein sets forth the theory and methodology being used by the Plaintiff in its
15 damages claim based on the above statement of damages. (See copy of Affidavit of David
16 Schwartz Ph.D. attached hereto as Exhibit 7) Dr. Schwartz also specifically notes that for
17 purposes of the damages calculations the GSR's trade secrets¹, other than those specific machines
18 PAR which were stolen are not relevant to this case. The fact that Peppermill would like GSR to
19 adopt a different damage theory has no significance. The Plaintiff is the master of his complaint
20 and may allege any method of computing damages as long as that method is proper.

21 It is interesting that Peppermill relies on University Computing Co. v. Lyke-Youngstown Corp
22 504 F.2d 518 (GA 1974) as support for its position since in fact the case held:
23

24 ¹ As defined in this context the term GSR trade secrets is defined as the confidential and proprietary
25 information sought from GSR which is not relevant to damages, but which is sought to harass and
26 damage the GSR. Such as: PMK depositions for the manner in which Defendant [sic] GSR tracks players
27 of slot machines at the GSR from January 1, 2009 to the present; the PAR settings for each slot machine
utilized by the GSR from January 1, 2009 to the present and the names and address of each and every slot
customer of GSR who, since July 12, 2013 played slot machines at the Peppermill as a result of the
activities of Ryan Tors. These are only a small sample of the proprietary and confidential, yet irrelevant
information sought by the Peppermill. See, Exhibit 8 of Plaintiff's opposition pages 5-7 for a more
complete list.

1 In some instances courts have attempted to measure the loss suffered by the
2 Plaintiff. While as a conceptual matter this seems to be a proper approach,
3 in most cases the defendant has utilized the secret to his advantage with no
4 obvious effect on the plaintiff save for the relative differences in their
5 subsequent competitive position. Largely as a result of this practical
6 dilemma, normally the value of the secret to the plaintiff is an appropriate
7 measure of damages only when the defendant has in some way destroyed
8 the value of the secret. The most obvious way this is done is through
9 publication, so that no secret remains. Where the Plaintiff retains the use of
10 the secret as here and where there has been no effective disclosure of the
11 secret through publication the total value of the secret to the plaintiff is an
12 inappropriate measure.

13 Further unless some specific injury to the plaintiff can be established—such
14 as lost sales—the loss to the plaintiff is not a particularly helpful approach
15 in assessing damages.

16 **The second approach is to measure the value of the secret to the**
17 **defendant. This is usually the accepted approach where the secret has**
18 **not been destroyed and where the plaintiff is unable to prove specific**
19 **injury.** In the case before us then the “appropriate measure of damages by
20 analogy to patent infringement is not what plaintiff lost but rather the
21 benefits, profits, or advantages gained by the defendant in the use of the
22 trade secret. Id p. 535-536. (Emphasis added)

23 This is precisely what the Plaintiff is seeking as damage in this matter and establishes that
24 GSR’s trade secrets (As defined in footnote 1 above), use of the PARS, marketing, and or
25 advertising strategies are irrelevant to this case.

26 It must again be noted that a motion on this issue is currently pending before the Court
27 addressing this issue.²

28 **D. PEPPERMILL KNEW GSR OBJECTED TO THE INTERROGATORIES**
29 **BASED ON THE ARGUMENTS SET FORTH IN THE MOTION FOR PROTECTIVE**
30 **ORDER.**

31 Peppermill filed written interrogatories, requests for production and deposition notices all
32 seeking identical information. GSR has brought a motion for protective order asking the Court
33 to:

34 ...5. Enter an order precluding Peppermill from seeking discovery of GSR
35 trade secrets other than those already stolen by Peppermill concerning the
36 PARS on the slot machines accessed by employees of the Peppermill. (See
37 Exhibit 8)

38 ² Plaintiff’s Motion For Protective Order filed June 19, 2014 attached as Exhibit 8.

1 This request was addressed to all forms of discovery and it is GSR's position that this constituted
2 a sufficient objection to the discovery filed by Peppermill pending the Court's ruling on the
3 protective order. It must also be noted that on June 26th, 2014 Mr. Robison admitted to the
4 Court that the same issues and objections raised in the Protective Order also apply to both the
5 interrogatories and requests for production served by Peppermill stating:
6

7 The plaintiff has objected. The plaintiff has filed a motion for protective
8 order. It is a protective order that seeks an order that we not get the
9 information that we requested in three different discovery instruments. (*See*
transcript of proceedings of June 26, 2014 p. 4 ll 10-13 attached hereto as
Exhibit 9).

10 In view of this statement it is clear that Peppermill understood that an objection was
11 being made to all discoveries concerning the topics raised in the protective order concerning the
12 trade secrets of GSR. There is also an inherent limitation on discovery under NRCP 26 requiring
13 that all information being sought either be relevant or lead to admissible evidence. Also under
14 NRS 48.015 the requests of the Peppermill are not relevant. NRS 48.015 defines relevant
15 evidence is that having any tendency to make the existence of any fact that is of consequence to
16 the determination of the action more or less probable than it would be without the evidence.
17 Only relevant evidence is admissible pursuant to NRS 48.025. In addition the information
18 sought by the Peppermill would not be admissible under NRS 48.035(1) since the probative
19 value would be substantially outweighed by the danger of unfair prejudice, of confusion of the
20 issues or of misleading the jury. These interrogatories are not only irrelevant but cannot lead to
21 admissible evidence since the trade secrets of GSR (with the limited exception of the information
22 stolen by Peppermill which Peppermill already has) are relevant to this matter.³
23
24

25 ³ The Peppermill still seems confused about who the parties are, and who did what. One of the PMK requests was
26 for: "The Person Most Knowledgeable about the use the Peppermill made of the information obtained by Ryan
27 Tors..." Also "The Person Most Knowledgeable about how, when and where the Peppermill made any use
28 whatsoever of the data and diagnostics allegedly retrieved by Ryan Tors on July 12, 2013. One would ask how the
GSR would know how the stolen information was used by Tors and what use Peppermill made of the stolen data.
Obviously GSR would not have this information, especially since the Peppermill refuses to produce any relevant
documents, but would pose those exact questions to the Peppermill.

1 However, should the Court deem that some of the topics raised in the interrogatories are
2 relevant, the Plaintiff asks that following the ruling on the protective order that it be permitted to
3 respond to those interrogatories whose topics are not covered by the pending protective order.

4 **E. GSR PROPERLY RESPONDED TO THE REQUESTS FOR PRODUCTION**

5 GSR to its chagrin learned that it could neither trust nor rely on any statements on behalf
6 of Peppermill and therefore felt that it should take the precaution of filing individual responses to
7 the Requests for Production pending the ruling on the protective order. While GSR still believes
8 that the unity of issues raises a sufficient objection to all discovery of GSR's trade secrets by
9 Peppermill, in view of the tactics evidenced by Mr. Robison in this case responses were filed.
10 The objections were proper and supported by law and included not only claims of trade secret
11 but relevance. Mr. Robison, refused to have a dispute resolution conference in this matter,
12 which by itself should result in the striking and denial of this motion; but instead filed this
13 motion which should be denied both on the merits and for the failure to comply with local rule
14 12(6).

15 **F. PEPPERMILL AGREED THE DEPOSITIONS WOULD NOT PROCEED**
16 **UNTIL AFTER THE COURT RULED ON THE PENDING PROTECTIVE ORDER.**

17 Peppermill claims that the court ordered the depositions to proceed prior to the Court's
18 ruling on the protective order. This is not true. At the June 26, 2014 hearing cited by Peppermill
19 Mark R. Robison Esq., counsel for Peppermill stipulated in open court that "...he has noticed
20 NRCP 30(B)(6) depositions, but will stipulate to continue those depositions and await the
21 Court's decisions to the Motion for Protective Order." (*See Exhibit 8 of Peppermill's Motion for*
22 *Terminating Sanctions or, In the Alternative Motion to Compel Discovery attached as Exhibit*
23 *"10"*) Mr. Gunderson then asked that the depositions be re-calendared to allow for dates,
24 location and order of witnesses. Since the date chosen was the week of August 18, 2014, it
25 seemed reasonable that the Protective order would be heard or decided prior to that time. That
26 the depositions were dependent on the ruling on the Protective order is further supported by Mr.
27 Robison's statement at the hearing of July 10, 2014, when he informed the court:

1 Just one scheduling issue. Your honor we have a 30(b) (6) deposition
2 scheduled for August 25, and we probably need a ruling at least on the
3 protective order between now and then. (*See Transcript of hearing of July*
4 *10, 2014 p. 10 1119-22 attached as exhibit 11*).

5 The protective order is still pending. Peppermill never informed or advised Plaintiff that
6 it intended to proceed with the depositions whether or not the court had ruled. In fact in
7 Peppermill's Exhibit 9 Mr. Robison stated that "The nature, extent, and scope of the deposition
8 permitted by the Court will of course, determine how many days will be necessary."

9 Instead without seeking leave of court or informing the Plaintiff of his intentions to
10 renege on the agreement to continue the depositions until the Court ruled, Mr. Robison engaged
11 in faux depositions with the clear and deliberate intention to void the pending motion for
12 protective order. This clandestine proceeding also explains why Mr. Robison, after requesting a
13 discovery conference refused to schedule or engages in one since the conference would have
14 naturally led to a discussion of the depositions and the protective order.

15 Mr. Robison also tainted the record at the deposition proceeding by conveniently
16 omitting any references to either the pending motion for a protective order or his own agreement
17 to continue the depositions pending the ruling on the protective order and by misconstruing the
18 nature of GSR's objections to the depositions. Such conduct is beneath contempt and should be
19 severely sanctioned by this Court.

20 III CONCLUSION

21 Peppermill's motion is steeped in bad faith. It contains untrue accusations, and is
22 comprised of misleading statements, unverified conclusions, omissions and misrepresentation of
23 the proceedings in this matter. With the exception of the written discovery disputes all of the
24 other issues presented are subject to motions currently pending before the Court, making these
25 motions, redundant, and without purpose, except to harass the Plaintiff. Even the discovery
26 disputes have been brought improperly since Peppermill refused to engage in a discovery dispute
27 conference as required by local rule 12(6) or first bring them before the Discovery
28 Commissioner. The claims concerning the GSR's failure to appear at the depositions reeks
29 with collusion between the defendants. Meanwhile Peppermill remains adamant in its refusal to

1 comply with the disclosure provisions of NCP 16.1 and flaunts this defiance without justification
2 or explanation, while bringing baseless attacks against the Plaintiff.

3 In view of the duplicative nature of most of the issues raised, the failure to comply with
4 the local rules, and the refusal to comply with 16.1, fundamental fairness requires that
5 Peppermill be sanctioned for its conduct.

6 Wherefore GSR requests this Honorable Court to:

7 1. Deny Peppermill's motions as to alleged violations of 16.1 and the failure to
8 provide a computation of damages against GSR;

9 2. Deny the Peppermill's motions to compel discovery based on the failure to
10 comply with local rule 12(6);

11 3. Deny the Peppermill's motion to compel responses to the interrogatories based on
12 Peppermill's admission that the issues and objections were before the Court in the protective
13 order brought by GSR:

14 4. Deny Peppermill's motion concerning the PMK depositions and sanction
15 Peppermill for its misrepresentations and tactics regarding the depositions;

16 5. Should the Court determine that there are some interrogatories, production
17 requests or PMK deposition which are not precluded by the protective order, allow the Plaintiff
18 30 days to respond to the interrogatories, and requests for production based solely on those topics
19 deemed relevant under the protective order currently pending including the right to make further
20 objections where appropriate;

21 6. Deny the Defendants the right to reschedule the PMK depositions as a sanction
22 for their collusion and tactics in ignoring the agreement to continue the depositions pending the
23 ruling on the protective order.

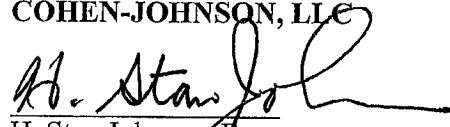
24 7. Award the Plaintiff attorneys fees for the necessity of having to respond to this
25 most improvident motion;

26 8. For such other and further relief as this Court deems equitable and just.

27 Dated this 8th day of September 2014.
28

COHEN-JOHNSON, LLC

By:


H. Stan Johnson, Esq.
Nevada Bar No. 00265
Terry Kinnally, Esq.
Nevada Bar No. 06379
255 E. Warm Springs Road, Suite 100
Las Vegas, Nevada 89118
Attorneys for Plaintiff


AFFIRMATION PURSUANT TO NRS 239B.030

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

Dated this 9th day of September 2014.

COHEN-JOHNSON, LLC

By:


H. Stan Johnson, Esq.
Nevada Bar No. 00265
Terry Kinnally, Esq.
Nevada Bar No. 06379
255 E. Warm Springs Road, Suite 100
Las Vegas, Nevada 89118
Attorneys for Plaintiff

INDEX OF EXHIBITS

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| 1. | Letter from Kent R. Robison, Esq. dated from August 21, 2014 | 2 |
| 2. | GSR's Initial 16.1 Disclosure and Supplemental disclosure filed | 15 |
| 3. | Defendant Peppermill's Initial 16.1 Disclosures | 58 |
| 4. | Affidavit Kent R. Robinson, Esq. | 3 |
| 5. | E-mail from Kent R. Robison dated June 15, 2014 re : NRCP 16.1 Disclosures | 3 |
| 6. | Transcript for the Nevada Gaming Control Board hearing dated February 20, 2014 | 65 |
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| 9. | Transcripts for June 26, 2014 hearing | 20 |
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| 11. | Transcript from July 10, 2014 hearing | 14 |
| 12. | Affidavit of Terry Kinnally, Esq. | 3 |

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 9th day of September, 2014, a true and correct copy of the foregoing Plaintiff's Opposition and Counter- Motion To Strike And Dismiss Defendant Peppermill's Motion For Case Terminating Sanctions was served by placing a copy thereof in the US Mail at Las Vegas, Nevada, with proper postage prepaid, addressed to the following:

HOLLEY, DRIGGS, WALCH, PUZEY & THOMPSON
C/o Clark V. Velis, Esq.
800 S. Meadows Parkway, Suite 800
Reno, Nevada 89501
Attorney for the Defendant Peppermill

ROBISON, BELAUSTEGUI, SHARP & LOW
C/o Kent R. Robison, Esq.
71 Washington Street
Reno, Nevada 89503
Attorney for the Defendant Peppermill

GUNDERSON LAW FIRM
C/o Mark H. Gunderson, Esq.
3895 Warren Way
Reno, Nevada 89509
Attorney for Defendant Ryan Tors

STATE OF NEVADA
Office of the Attorney General
C/o Michael P. Soms, Esq.
555 E. Washington Ave., Suite 3900
Las Vegas, Nevada 89101

/s/ Kelly J. Montgomery
Kelly J. Montgomery, an employee of COHEN|JOHNSON, LLC.

Exhibit “1”

Exhibit “1”



ROBISON, BELAUSTEGUI, SHARP & LOW

August 21, 2014

ATTORNEYS:

Kent R. Robison
Thomas L. Belaustegui
E. DeArmond Sharp
Keegan G. Low
Barry L. Breslow
Mark G. Simons
Michael E. Sullivan
Clayton P. Brust
Stefanie T. Sharp

Frank C. Gilmore
Michael A. Burke
Therese M. Shanks

**Via Email: tkinnally@cohenjohnson.com
and Original U.S. Mail**
Terry Kinnally, Esq.
Cohen Johnson
255 E. Warm Springs Road, Suite 100
Las Vegas, Nevada 89119

Re: *GSR v. Peppermill/Tors*

Dear Ms. Kinnally:

It appears to me that there is nothing to discuss. The failure to respond to the Interrogatories is inexcusable. The excuse for not responding to the Requests for Production of Documents is unacceptable. Whether produced documents are admissible is immaterial. The Confidentiality Agreement protects the GSR. We have repeatedly told you that our experts need the requested documents to evaluate and examine your theory that the GSR is entitled to royalty damages. GSR's claims theoretically include damages. Whether lost profit or royalty, the requested documents are essential to that analysis. Black's Law Dictionary is a feeble authority on which to discuss trade secret royalty damages. The authorities cited by us are controlling. To determine what, if any, value the par settings have there must be complete, candid, fair and equitable disclosure by GSR about how GSR uses the pars. To deprive the Peppermill of that information is irresponsible and reprehensible.

To say I disagree with your suggestion that the Peppermill has admitted that it used GSR par information is ridiculous. (Incidentally, there is no such thing as a "PAR".) It is clear that you have not taken the time to research the royalty provisions of the trade secret legislation and you are seriously misinformed. We will be filing our Motion to Compel tomorrow.

Yours very truly,

KENT R. ROBISON

KRR:jf

cc: Mark Gunderson, Esq.
Clark V. Vellis, Esq.

P 775.329.3151
F 775.329.7941

71 Washington Street
Reno, Nevada 89503

www.rbsllaw.com

J:\WPData\Krr\1872.006-Peppermill-GSR vL-Kinnally, Terry 8-21-14.docx

RA 00396

Exhibit “2”

Exhibit “2”

COHEN-JOHNSON, LLC
255 E. Warm Springs Road, Suite 100
Las Vegas, Nevada 89119
(702) 823-3500 FAX: (702) 823-3400

16.1
COHEN-JOHNSON, LLC
H. STAN JOHNSON, ESQ.
Nevada Bar No. 00265
sjohnson@cohenjohnson.com
TERRY KINNALLY, ESQ.
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tkinnally@cohenjohnson.com
255 E. Warm Springs Road, Suite 100
Las Vegas, Nevada 89119
Telephone: (702) 823-3500
Facsimile: (702) 823-3400
Attorneys for Plaintiffs

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, d/b/a GRAND SIERRA RESORT,
Plaintiff,
v.
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 ABC
CORPORATIONS I-X,
Defendants.

Case No.: CV13-01704

Dept. No.: B7

BUSINESS COURT DOCKET

PLAINTIFF'S EARLY CASE CONFERENCE NRCP 16.1 PRODUCTION OF
DOCUMENTS

COMES NOW, the Plaintiff MEI-GSR HOLDINGS, LLC. ("GSR"), by and through its'
counsel of record, H. Stan Johnson, Esq., of Cohen|Johnson LLC., hereby submits its' Initial
List of Witnesses and Documents pursuant to NRCP 16.1 in this matter as follows:

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I. WITNESSES

1. Person Most Knowledgeable of GSR
c/o COHEN|JOHNSON, LLC
255 E. Warm Springs Rd., Suite 100
Las Vegas, Nevada 891189

Person Most Knowledgeable of GSR, is expected to testify as to his/her knowledge of the facts and circumstances surrounding the claims and allegations which are the subject of this instant litigation.

2. Janice Doreen Covington
c/o COHEN|JOHNSON, LLC
255 E. Warm Springs Rd., Suite 100
Las Vegas, Nevada 891189

This witness is expected to testify as to her knowledge as to the facts and circumstances surrounding the claims and allegations which are the subject of this instant litigation.

3. Jason Wagner
c/o COHEN|JOHNSON, LLC
255 E. Warm Springs Rd., Suite 100
Las Vegas, Nevada 891189

This witness is expected to testify as to his knowledge as to the facts and circumstances surrounding the claims and allegations which are the subject of this instant litigation.

4. Michael Altizer, Slot Manager
c/o COHEN|JOHNSON, LLC
255 E. Warm Springs Rd., Suite 100
Las Vegas, Nevada 891189

This witness is expected to testify as to his knowledge as to the facts and circumstances surrounding the claims and allegations which are the subject of this instant litigation.

5. Ernie Reilly, Casino Shift Manager
c/o COHEN|JOHNSON, LLC
255 E. Warm Springs Rd., Suite 100
Las Vegas, Nevada 891189

This witness is expected to testify as to his knowledge as to the facts and circumstances surrounding the claims and allegations which are the subject of this instant litigation.

/ / /

6. Rakesh Sidher, Slot Manager
c/o COHEN|JOHNSON, LLC
255 E. Warm Springs Rd., Suite 100
Las Vegas, Nevada 891189

This witness is expected to testify as to his knowledge as to the facts and circumstances surrounding the claims and allegations which are the subject of this instant litigation.

7. Anthony Moran, Security
c/o COHEN|JOHNSON, LLC
255 E. Warm Springs Rd., Suite 100
Las Vegas, Nevada 891189

This witness is expected to testify as to his knowledge as to the facts and circumstances surrounding the claims and allegations which are the subject of this instant litigation.

8. Tim Donovan
c/o COHEN|JOHNSON, LLC
255 E. Warm Springs Rd., Suite 100
Las Vegas, Nevada 891189

This witness is expected to testify as to his knowledge as to the facts and circumstances surrounding the claims and allegations which are the subject of this instant litigation.

8. John Hanson
c/o COHEN|JOHNSON, LLC
255 E. Warm Springs Rd., Suite 100
Las Vegas, Nevada 891189

This witness is expected to testify as to his knowledge as to the facts and circumstances surrounding the claims and allegations which are the subject of this instant litigation.

9. David McHugh
c/o COHEN|JOHNSON, LLC
255 E. Warm Springs Rd., Suite 100
Las Vegas, Nevada 891189

This witness is expected to testify as to his knowledge as to the facts and circumstances surrounding the claims and allegations which are the subject of this instant litigation.

///

///

10. Justin Woods, Agent. NGC
c/o Nevada Gaming Control Board
9790 Gateway Drive, Suite 100
Reno, Nevada 89521

This witness is expected to testify as to his knowledge as to the facts and circumstances surrounding the claims and allegations which are the subject of this instant litigation.

11. Person Most Knowledgeable of Peppermill Casinos, Inc. dba Peppermill Casino
c/o Clark V. Vellis, Esq.
50 West Liberty Street, Suite 1030
Reno, Nevada 89501

This witness is expected to testify as to his/her knowledge as to the facts and circumstances surrounding the claims and allegations which are the subject of this instant litigation.

12. Ryan Tors
c/o William M. Omara, Esq.
311 East Liberty Street
Reno, Nevada 89501

This witness is expected to testify as to his knowledge as to the facts and circumstances surrounding the claims and allegations which are the subject of this instant litigation.

II. DOCUMENTS

1. Security files re Incident of July 12, 2014. Bates No. GRA0001 thru GRA00018
2. Affidavit of J. Covington Bates No. GRA00019 thru GRA00020.
3. Voluntary Statement J. Covington Bates No. GRA00021
4. Affidavit of J. Wagner Bates No. GRA00022 thru GRA00023
5. Surveillance Video of Ryan Tors

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COHEN-JOHNSON, LLC
255 E. Warm Springs Road, Suite 100
Las Vegas, Nevada 89119
(702) 823-3500 FAX: (702) 823-3400

III. COMPUTATION OF DAMAGES

NRCP §16.1(a)(1)(C) states in pertinent part as follows:

“A computation for any category of damages claimed by a disclosing party, making available for inspection and copying under Rule 34 the documents or other evidentiary matter, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.”

Damages include general and special damages in an amount to be determined at trial.

Plaintiff reserve the right to supplement this production, as discovery is ongoing.

Dated this 3rd day of January, 2014.

COHEN|JOHNSON, LLC.

By: /s/ Stan Johnson
H. STAN JOHNSON, ESQ.
Nevada Bar No. 00265
TERRY KINNALLY, ESQ.
Nevada Bar No. 6379
255 E. Warm Springs Road, Suite 100
Las Vegas, Nevada 89119
Attorney for the Plaintiff

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255 E. Warm Springs Road, Suite 100
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(702) 823-3500 FAX: (702) 823-3400

AFFIRMATION PURSUANT TO NRSB.030

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

Dated this 3rd day of January, 2014.

COHEN|JOHNSON, LLC.

By: /s/ Stan Johnson
H. STAN JOHNSON, ESQ.
Nevada Bar No. 00265
TERRY KINNALLY, ESQ.
Nevada Bar No. 6379
255 E. Warm Springs Road, Suite 100
Las Vegas, Nevada 89119
Attorney for the Plaintiff

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| Exhibit 2 | Affidavit of J. Covington | Page 4 |
| Exhibit 3 | Voluntary Statement of J. Covington | Page 4 |
| Exhibit 4 | Affidavit of J. Wagner Bates | Page 4 |
| Exhibit 5 | Video Surveillance of Ryan Tors | Page 4 |

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 3rd day of January, 2014, a true and correct copy of the foregoing Plaintiffs' Early Case Conference NRCP 16.1 Production of Documents was served by placing a copy thereof in the US Mail at Las Vegas, Nevada, with proper postage prepaid, addressed to the following:

BROWNSTEIN HYATT FABER SCHRECK, LLP
C/o Clark V. Velis, Esq.
50 West Liberty Street, Suite 1030
Reno, Nevada 89501
Attorney for the Defendant Peppermill

The O'Mara Law Firm P.C.
C/o William M. O'Mara, Esq.
311 East Liberty Street
Reno, Nevada 89501
Attorney for Defendant Ryan Tors

Kelly J. Montgomery, an employee of COHEN|JOHNSON, LLC.

COHEN-JOHNSON, LLC
255 E. Warm Springs Road, Suite 100
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16.1

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Telephone: (702) 823-3500
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Attorneys for Plaintiffs

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, d/b/a GRAND SIERRA RESORT,

Plaintiff,

v.

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 ABC
CORPORATIONS I-X,

Defendants.

Case No.: CV13-01704

Dept. No.: B7

BUSINESS COURT DOCKET

PLAINTIFF'S SECOND SUPPLEMENTAL DISCLOSURE PURSUANT TO NRCP 16.1

COMES NOW, the Plaintiff MEI-GSR HOLDINGS, LLC. ("GSR"), by and through its' counsel of record, H. Stan Johnson, Esq., of Cohen|Johnson LLC., hereby submits its' First supplemental Disclosure of Witnesses and Documents pursuant to NRCP 16.1 in this matter as follows:

I. WITNESSES

1. Mike Draeger
c/o COHEN|JOHNSON, LLC
255 E. Warm Springs Rd., Suite 100
Las Vegas, Nevada 891189

Mr. Draeger, is expected to testify as to his knowledge of the facts and circumstances surrounding the claims and allegations which are the subject of this instant litigation including

1 his prior experiences and knowledge of Mr. Tors .

- 2 2. Janice Doreen Covington
3 c/o COHEN|JOHNSON, LLC
4 255 E. Warm Springs Rd., Suite 100
Las Vegas, Nevada 891189

5 This witness is expected to testify as to her knowledge as to the facts and circumstances
6 surrounding the claims and allegations which are the subject of this instant litigation.

- 7 3. Jason Wagner
8 c/o COHEN|JOHNSON, LLC
9 255 E. Warm Springs Rd., Suite 100
Las Vegas, Nevada 891189

10 This witness is expected to testify as to his knowledge as to the facts and circumstances
11 surrounding the claims and allegations which are the subject of this instant litigation.

- 12 4. Michael Altizer, Slot Manager
13 c/o COHEN|JOHNSON, LLC
14 255 E. Warm Springs Rd., Suite 100
Las Vegas, Nevada 891189

15 This witness is expected to testify as to his knowledge as to the facts and circumstances
16 surrounding the claims and allegations which are the subject of this instant litigation.

- 17 5. Ernie Reilly, Casino Shift Manager
18 c/o COHEN|JOHNSON, LLC
19 255 E. Warm Springs Rd., Suite 100
Las Vegas, Nevada 891189

20 This witness is expected to testify as to his knowledge as to the facts and circumstances
21 surrounding the claims and allegations which are the subject of this instant litigation.

- 22 6. Rakesh Sidher, Slot Manager
23 c/o COHEN|JOHNSON, LLC
24 255 E. Warm Springs Rd., Suite 100
Las Vegas, Nevada 891189

25 This witness is expected to testify as to his knowledge as to the facts and circumstances
26 surrounding the claims and allegations which are the subject of this instant litigation.

- 27 7. Anthony Moran, Security
28 c/o COHEN|JOHNSON, LLC
255 E. Warm Springs Rd., Suite 100
Las Vegas, Nevada 891189

1 This witness is expected to testify as to his knowledge as to the facts and circumstances
2 surrounding the claims and allegations which are the subject of this instant litigation.

3 8. Tim Donovan
4 c/o COHEN|JOHNSON, LLC
5 255 E. Warm Springs Rd., Suite 100
6 Las Vegas, Nevada 891189

7 This witness is expected to testify as to his knowledge as to the facts and circumstances
8 surrounding the claims and allegations which are the subject of this instant litigation.

9 8. John Hanson
10 c/o COHEN|JOHNSON, LLC
11 255 E. Warm Springs Rd., Suite 100
12 Las Vegas, Nevada 891189

13 This witness is expected to testify as to his knowledge as to the facts and circumstances
14 surrounding the claims and allegations which are the subject of this instant litigation.

15 9. David McHugh
16 c/o COHEN|JOHNSON, LLC
17 255 E. Warm Springs Rd., Suite 100
18 Las Vegas, Nevada 891189

19 This witness is expected to testify as to his knowledge as to the facts and circumstances
20 surrounding the claims and allegations which are the subject of this instant litigation.

21 10. Justin Woods, Agent. NGC
22 c/o Nevada Gaming Control Board
23 9790 Gateway Drive, Suite 100
24 Reno, Nevada 89521

25 This witness is expected to testify as to his knowledge as to the facts and circumstances
26 surrounding the claims and allegations which are the subject of this instant litigation.

27 ...

28 ...

...

...

...

11. Person Most Knowledgeable of Peppermill Casinos, Inc. dba Peppermill Casino
c/o Clark V. Vellis, Esq.
50 West Liberty Street, Suite 1030
Reno, Nevada 89501

This witness is expected to testify as to his/her knowledge as to the facts and
circumstances surrounding the claims and allegations which are the subject of this instant
litigation.

12. Ryan Tors
c/o William M. Omara, Esq.
311 East Liberty Street
Reno, Nevada 89501

This witness is expected to testify as to his knowledge as to the facts and circumstances
surrounding the claims and allegations which are the subject of this instant litigation.

13. Billy Paganetti
c/o Robison, Belaustegui, Sharp & Low
71 Washington Street
Reno, NV 89503

This witness is expected to testify as to his knowledge of the facts and circumstances
Surrounding Mr. Tors conduct and the use to which the information was put.

II. DOCUMENTS

1. Security files re Incident of July 12, 2014. Bates No. GRA0001 thru GRA00018
2. Affidavit of J. Covington Bates No. GRA00019 thru GRA00020.
3. Voluntary Statement J. Covington Bates No. GRA00021
4. Affidavit of J. Wagner Bates No. GRA00022 thru GRA00023
5. Surveillance Video of Ryan Tors

...

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1 **III. COMPUTATION OF DAMAGES**

2 Damages are sought pursuant to NRS 600A.050 (1) Damages will be computed based on
3 the number of times Mr. Tors accessed machines at the GSR without permission, and the number
4 of machines so accessed based on the benefit obtained by the Peppermill from use of the illegally
5 obtained trade secret information based on the cost of legally and legitimately obtaining the same
6 information.

7 And or in the alternative the measure of damages Plaintiff claims a reasonable royalty NR
8 S 600A.050 (2) for the unlawful acquisition and disclosure and potential use of said trade secrets
9 in an amount to be determined at trial. of a royalty in an amount to be determined at trial.

10 Plaintiff also seeks punitive damages based on the willful nature of the conduct.

11 Plaintiff reserves the right to supplement this production, as discovery is ongoing.

12 Dated this 7th day of July 2014.

13 COHEN|JOHNSON, LLC.

14 By: /s/ Stan Johnson
15 H. STAN JOHNSON, ESQ.
Nevada Bar No. 00265
16 TERRY KINNALLY, ESQ.
Nevada Bar No. 6379
17 255 E. Warm Springs Road, Suite 100
18 Las Vegas, Nevada 89119
Attorney for the Plaintiff

19 **AFFIRMATION PURSUANT TO NRSB.030**

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

22 Dated this 7th day of July, 2014.

23 COHEN|JOHNSON, LLC.

24 By: /s/ Stan Johnson
25 H. STAN JOHNSON, ESQ.
Nevada Bar No. 00265
26 TERRY KINNALLY, ESQ.
Nevada Bar No. 6379
27 255 E. Warm Springs Road, Suite 100
28 Las Vegas, Nevada 89119
Attorney for the Plaintiff

COHEN-JOHNSON, LLC
255 E. Warm Springs Road, Suite 100
Las Vegas, Nevada 89119
(702) 823-3500 FAX: (702) 823-3400

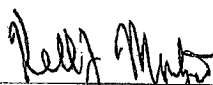
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the ^{8th} ~~7th~~ ^{July} day of ~~June~~, 2014, a true and correct copy of the foregoing Plaintiff's First supplemental Disclosure of Witnesses and Documents pursuant to NRCp 16.1 was served by placing a copy thereof in the US Mail at Las Vegas, Nevada, with proper postage prepaid, addressed to the following:

COTTON, DRIGGS, WALCH, HOLLEY WOLOSON & THOMPSON
C/o Clark V. Velis, Esq.
800 S. Meadows Parkway, Suite 800
Reno, Nevada 89501
Attorney for the Defendant Peppermill

ROBINSON, BELAUSTEGUI, SHARP & LOW
C/o Kent R. Robinson, Esq.
71 Washington Street
Reno, Nevada 89503
Attorney for the Defendant Peppermill

GUNDERSON LAW FIRM
C/o Mark H. Gunderson, Esq.
3895 Warren Way
Reno, Nevada 89509
Attorney for Defendant Ryan Tors



Kelly J. Montgomery, an employee of COHEN|JOHNSON, LLC.

Exhibit “3”

Exhibit “3”

BROWNSTEIN HYATT FARBER SCHRECK, LLP
50 West Liberty Street, Suite 1030
Reno, NV 89501
775.622.9450

1 1140

2 CLARK V. VELLIS, ESQ., Nevada Bar No. 5533
3 cvellis@bhfs.com
4 BROWNSTEIN HYATT FARBER SCHRECK, LLP
5 50 West Liberty Street, Suite 1030
6 Reno, Nevada 89501
7 Telephone: 775.622.9450
8 Facsimile: 775.622.9554

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

11 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

12 **IN AND FOR THE COUNTY OF WASHOE**

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

16 Plaintiff,

17 v.

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

23 Defendants.

Case No.: CV13-01704

Dept. No.: B7

BUSINESS COURT DOCKET

24 **DEFENDANT PEPPERMILL CASINOS, INC. INITIAL DISCLOSURES PURSUANT TO**

25 **NEV. R. CIV. P. 16.1**

26 COMES NOW Defendant, PEPPERMILL CASINOS, INC. (hereinafter "Defendant") by
27 and through their attorneys of record, Brownstein Hyatt Farber Schreck, LLP, and hereby
28 discloses the following pursuant to NRCP 16.1:

A. **List of Individuals: NRCP 16.1(a)(1)(A)**

Defendant is informed and believes that the following individuals are likely to have
information relevant to the subject matter of this case:

///

020009\0012\10903312.1

1

1. Ryan Tors

2

c/o The O'Mara Law Firm, P.C.
311 East Liberty Street
Reno, Nevada 89501

3

4

Mr. Tors is a Defendant and has knowledge of the events alleged in Plaintiff's Complaint.

5

6

2. William Paganetti
c/o Brownstein Hyatt Farber Schreck
50 West Liberty Street, Suite 1030
Reno, Nevada 89501

7

8

9

Mr. Paganetti is the President of Peppermill Casinos, Inc. and has knowledge of the events alleged in Plaintiff's Complaint.

10

11

3. Steven Rosen
c/o Cohen & Johnson
255 East Warm Springs Road
Las Vegas, Nevada 89119

12

13

14

Mr. Rosen is the General Manager of the Grand Sierra Resort and is expected to have knowledge of the events alleged in Plaintiff's Complaint.

15

16

17

18

4. Person Most Knowledgeable of the Grand Sierra Resort
c/o Cohen & Johnson
255 East Warm Springs Road
Las Vegas, Nevada 89119

19

20

The Person Most Knowledgeable of the Grand Sierra Resort is expected to have knowledge of the events alleged in Plaintiff's Complaint.

21

22

23

5. David McHugh
c/o Brownstein Hyatt Farber Schreck
50 West Liberty Street, Suite 1030
Reno, Nevada 89501

24

Mr. McHugh is expected to have knowledge of the events alleged in Plaintiff's Complaint.

25

26

27

28

6. Rob Erwin
c/o Brownstein Hyatt Farber Schreck
50 West Liberty Street, Suite 1030
Reno, Nevada 89501

Mr. Irwin is expected to have knowledge of the events alleged in Plaintiff's Complaint.

1

7. Joe Ness

2

c/o Brownstein Hyatt Farber Schreck
50 West Liberty Street, Suite 1030
Reno, Nevada 89501

3

4

Mr. Ness is expected to have knowledge of the events alleged in Plaintiff's Complaint.

5

8. Joe Kukler

6

c/o Brownstein Hyatt Farber Schreck
50 West Liberty Street, Suite 1030
Reno, Nevada 89501

7

Mr. Kukler is expected to have knowledge of the events alleged in Plaintiff's Complaint.

8

9. Ralph Burdick

9

Vice President of Casino Operations
Grand Sierra Resort
c/o Cohen & Johnson

10

255 East Warm Springs Road
Las Vegas, Nevada 89119

11

12

Mr. Burdick is expected to have knowledge of the events alleged in Plaintiff's Complaint.

13

10. Toby Taylor

14

Executive Director of Slot Operations
Grand Sierra Resort
c/o Cohen & Johnson
255 East Warm Springs Road
Las Vegas, Nevada 89119

15

16

Mr. Taylor is expected to have knowledge of the events alleged in Plaintiff's Complaint.

17

18

11. David Kinder

19

Director of Surveillance
Grand Sierra Resort
c/o Cohen & Johnson
255 East Warm Springs Road
Las Vegas, Nevada 89119

20

21

Mr. Kinder is expected to have knowledge of the events alleged in Plaintiff's Complaint.

22

23

12. Person Most Knowledgeable re Advertising for the Grand Sierra Resort
c/o Cohen & Johnson
255 East Warm Springs Road
Las Vegas, Nevada 89119

24

25

26

27

28

The Person Most Knowledgeable re Advertising is expected to have knowledge of the events alleged in Plaintiff's Complaint.

13. Person Most Knowledgeable re Slot Operations for the Grand Sierra Resort

c/o Cohen & Johnson
255 East Warm Springs Road
Las Vegas, Nevada 89119

The Person Most Knowledgeable re Slot Operations is expected to have knowledge of the events alleged in Plaintiff's Complaint.

14. Person Most Knowledgeable re Casino Operations for the Grand Sierra Resort

c/o Cohen & Johnson
255 East Warm Springs Road
Las Vegas, Nevada 89119

The Person Most Knowledgeable re Casino Operation is expected to have knowledge of the events alleged in Plaintiff's Complaint.

15. Person Most Knowledgeable re Security for the Grand Sierra Resort

c/o Cohen & Johnson
255 East Warm Springs Road
Las Vegas, Nevada 89119

The Person Most Knowledgeable re Security is expected to have knowledge of the events alleged in Plaintiff's Complaint.

16. Person Most Knowledgeable re Billboard Advertising for the Grand Sierra Resort

c/o Cohen & Johnson
255 East Warm Springs Road
Las Vegas, Nevada 89119

The Person Most Knowledgeable re Casino/Marketing is expected to have knowledge of the events alleged in Plaintiff's Complaint.

17. All persons identified by any other party in this lawsuit.

Defendant reserves the right to supplement this list of individuals should more information become available.

B. List of Documents: NRCP 16.1(a)(1)(B)

Defendant discloses the following documents:

1. Each and every document disclosed by plaintiff and defendants;
2. Defendant's documents identified as PM 1-.PM 51.

BROWNSTEIN HYATT FARBER SCHRECK, LLP
50 West Liberty Street, Suite 1030
Reno, NV 89501
775.622.9450

C. Damage Computation: NRCP 16.1(a)(1)(C)

Not applicable.

D. Insurance Agreement: NRCP 16.1(a)(1)(D)

Not applicable

E. Production of Documents:

Defendant produces those documents described in Section B of this Initial Disclosure.

AFFIRMATION

Pursuant to NRS 239B.030

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

DATED this 8th day of January, 2014.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By:

CLARK V. VELLIS, ESQ., Nevada Bar No. 5533
50 West Liberty Street, Suite 1030
Reno, Nevada 89501
Attorneys for Defendant Peppermill Casinos, Inc.
d/b/a Peppermill Casino

BROWNSTEIN HYATT FARBER SCHRECK, LLP
50 West Liberty Street, Suite 1030
Reno, NV 89501
775.622.9450

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Brownstein Hyatt Farber Schreck, LLP,
and that on this 5th day of January, 2014, I caused a true and correct copy of the foregoing
DEFENDANT PEPPERMILL CASINOS, INC. INITIAL DISCLOSURES PURSUANT TO
NEV. R. CIV. P. 16.1 to be served, via email and via U. S. Mail postage prepaid addressed to:

H. Stan Johnson, Esq.
sjohnson@cohenjohnson.com
Terry Kinnally, Esq.
tkinnally@cohenjohnson.com
Cohen-Johnson, LLC
255 East Warm Springs Road, Suite 100
Las Vegas, NV 89119

David C. O'Mara, Esq.
david@omaralaw.net
O'Mara Law Firm, P.C.
311 East Liberty Street
P.O. Box 2270
Reno, Nevada 89505


an employee of Brownstein Hyatt Farber Schreck, LLP

The high-margin hotel room segment of the property continued to reflect strong revenue growth of 11.1%. ADR expanded to \$401 during the quarter, driving a RevPAR increase of 11.1% compared to the same quarter last year. Occupancy was 99.8% during the quarter.

The following table summarizes our key operating results for Marina Bay Sands for the third quarter of 2013 compared to the third quarter of 2012:

| Marina Bay Sands Operations (Dollars in millions) | Three Months Ended September 30, | | \$ Change | Change |
|--|-------------------------------------|-------------|------------|----------|
| | 2013 | 2012 | | |
| Revenues: | | | | |
| Casino | \$ 628.1 | \$ 470.8 | \$ 157.3 | 33.4 % |
| Rooms | 93.3 | 84.0 | 9.3 | 11.1 % |
| Food and Beverage | 44.4 | 46.1 | (1.7) | -3.7 % |
| Mall | 38.0 | 39.7 | (1.7) | -4.3 % |
| Convention, Retail and Other | 24.3 | 26.1 | (1.6) | -6.1 % |
| Less - Promotional Allowances | (54.1) | (41.2) | (12.9) | -31.3 % |
| Net Revenues | \$ 774.2 | \$ 625.5 | \$ 148.7 | 23.8 % |
| Adjusted Property EBITDA | \$ 373.6 | \$ 260.8 | \$ 112.8 | 43.3 % |
| EBITDA Margin % | 48.3 % | 41.7 % | | 6.6 pts |
| Operating Income | \$ 282.1 | \$ 166.5 | \$ 115.6 | 69.4 % |
| Gaming Statistics (Dollars in millions) | | | | |
| Rolling Chip Volume | \$ 13,785.4 | \$ 11,790.8 | \$ 1,994.6 | 16.9 % |
| Rolling Chip Win % ⁽¹⁾ | 2.85 % | 1.79 % | | 1.06 pts |
| Non-Rolling Chip Drop | \$ 1,156.3 | \$ 1,131.3 | \$ 25.0 | 2.2 % |
| Non-Rolling Chip Win % | 23.6 % | 24.0 % | | -0.4 pts |
| Slot Handle | \$ 2,763.7 | \$ 2,620.8 | \$ 142.9 | 5.5 % |
| Slot Hold % | 5.1 % | 5.2 % | | -0.1 pts |
| Hotel Statistics | | | | |
| Occupancy % | 99.8 % | 99.8 % | | 0.0 pts |
| Average Daily Rate (ADR) | \$ 401 | \$ 361 | \$ 40 | 11.1 % |
| Revenue per Available Room (RevPAR) | \$ 400 | \$ 360 | \$ 40 | 11.1 % |

⁽¹⁾ This compares to our expected Rolling Chip win percentage of 2.7% to 3.0% (calculated before discounts and commissions).

Las Vegas Operations Third Quarter Operating Results

Adjusted property EBITDA at The Venetian Las Vegas and The Palazzo, including the Sands Expo and Convention Center, decreased 11.3% to \$87.1 million for the quarter. Table games drop decreased 8.4% to \$544.3 million reflecting lower baccarat drop. Slot handle increased 2.8% to \$611.4 million with steady slot hold percentage of 8.7%. Hotel RevPAR increased 2.4% to \$171 in the quarter driven by a 2.8% increase in ADR.

The following table summarizes our key operating results for our Las Vegas operations for the third quarter of 2013 compared to the third quarter of 2012:

| Las Vegas Operations (Dollars in millions) | Three Months Ended September 30, | | \$ Change | Change |
|---|-------------------------------------|----------|-----------|--------|
| | 2013 | 2012 | | |
| Revenues: | | | | |
| Casino | \$ 168.1 | \$ 171.5 | \$ (3.4) | -2.0 % |
| Rooms | 110.9 | 105.7 | 5.2 | 4.9 % |
| Food and Beverage | 51.8 | 42.4 | 9.4 | 22.2 % |
| Convention, Retail and Other | 68.7 | 68.0 | 0.7 | 1.0 % |

MBI-GSR Holdings, LLC
V.
Peppermill et al.
CV13-01704

PM

| Less - Promotional Allowances | | (24.5) | (23.2) | (1.3) | -5.6% | | |
|-------------------------------------|----|--------|--------|--------|-------|--------|----------|
| Net Revenues | \$ | 375.0 | \$ | 364.4 | \$ | 10.6 | 2.9 % |
| Adjusted Property EBITDA | \$ | 87.1 | \$ | 98.2 | \$ | (11.1) | -11.3 % |
| EBITDA Margin % | | 23.2 % | | 26.9 % | | | -3.7 pts |
| Operating Income | \$ | 24.9 | \$ | 74.0 | \$ | (49.1) | -66.4 % |
| <i>Gaming Statistics</i> | | | | | | | |
| (Dollars in millions) | | | | | | | |
| Table Games Drop | \$ | 544.3 | \$ | 581.5 | \$ | (37.2) | -6.4 % |
| Table Games Win % ⁽¹⁾ | | 28.7 % | | 28.1 % | | | 0.6 pts |
| Slot Handle | \$ | 511.4 | \$ | 498.4 | \$ | 13.0 | 2.6 % |
| Slot Hold % | | 8.7 % | | 8.7 % | | | 0.0 pts |
| <i>Hotel Statistics</i> | | | | | | | |
| Occupancy % | | 87.6 % | | 87.3 % | | | 0.3 |
| Average Daily Rate (ADR) | \$ | 196 | \$ | 191 | \$ | 5 | 2.6 % |
| Revenue per Available Room (RevPAR) | \$ | 171 | \$ | 167 | \$ | 4 | 2.4 % |

⁽¹⁾ This compares to our expected Table Games win percentage of 20.0% and 22.0% (calculated before discounts).

Sands Bethlehem Third Quarter Operating Results

Net revenues for Sands Bethlehem in Pennsylvania increased slightly to \$122.9 million while adjusted property EBITDA decreased 7.8% to \$29.6 million for the third quarter of 2013. Table games drop increased 11.4% to reach \$261.6 million for the quarter, while table games win percentage was 15.0% compared to 16.0% in the third quarter of 2012. Slot handle increased 2.9% year-over-year to \$1.05 billion for the quarter with slot hold percentage of 6.9%.

The following table summarizes our key operating results for Sands Bethlehem for the third quarter of 2013 compared to the third quarter of 2012:

Sands Bethlehem Operations

Sands Bethlehem Operations

Three Months Ended
September 30,

(Dollars in millions)

Revenues:

Casino

Rooms

Food and Beverage

Mall

Convention, Retail and Other

Less - Promotional Allowances

Net Revenues

Adjusted Property EBITDA

EBITDA Margin %

Operating Income

Gaming Statistics

(Dollars in millions)

Table Games Drop

Table Games Win %⁽¹⁾

Slot Handle

Slot Hold %

Hotel Statistics

Occupancy %

Average Daily Rate (ADR)

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We offer a wide variety of entertainment from a penny to \$100 many are multi-denomination games. We invite you to play in our exciting slot machines and video poker. Check out our new slot machines featuring an outstanding variety of reels, video reels and video poker. Check out our new slot machines and the latest games available in Nevada. GSR rewards members with the play, so make sure you are using your card when you play and you don't lose a chance to win big!

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Experience the excitement of playing video poker online with many variations of games to choose from. Learn how to bet, view pay tables, and learn more about the rules of the game. So, what are you waiting for? Let's play!

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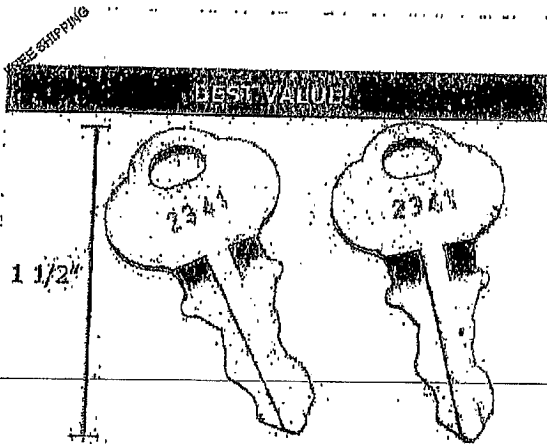
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IGT Jackpot Reset Key #2341 for IGT Slot Machines

Item New condition:

Quantity: 1 More than 10 available / 14 sold

Price: US \$7.49

Buy It Now

Add to cart

2 watchers

Add to Watch list

Seller Information

tuohymedia280

100% Positive feedback

Save this seller

See other items

Visit store: tuohymedia

New customers get \$10 back on 1st purchase
Subject to credit approval. See terms

Shipping: FREE Standard Shipping | See details

Item location: Winona, Minnesota, United States
Ships to: Worldwide

Delivery: Estimated between Thu, Aug. 22 and Mon, Aug. 26

Use Expedited Shipping to get it by Aug. 23

Payments: ~~Pay with~~ Bill Me Later | See details

Returns: 60 days money back, buyer pays return shipping
| Read details

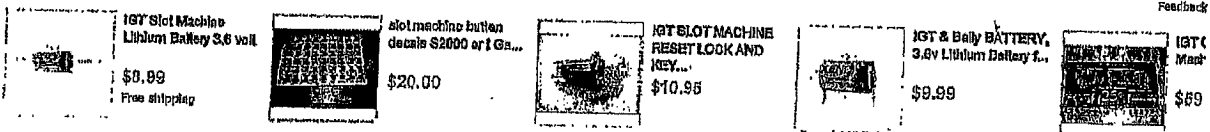
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People who viewed this item also viewed



Description Shipping and payments

Fit

Seller assumes all responsibility for this listing.

Last updated on May 08, 2013 21:26:38 PDT View all revisions

eBay item number

Item specifics

Condition: New: A brand-new, unused, unopened, undamaged item (including handmade items). See the seller's listing for more details. | Read more

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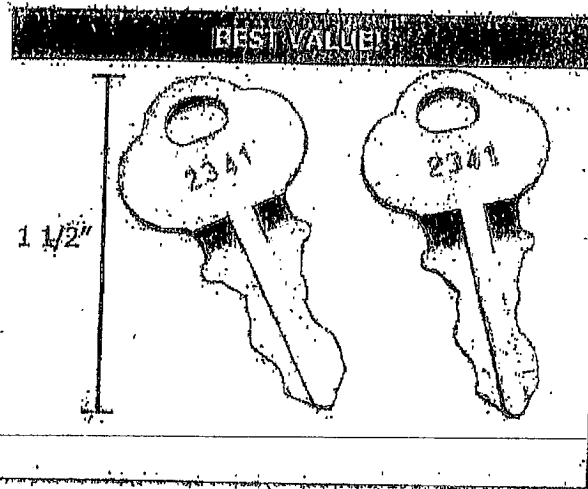
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2 x IGT JACKPOT RESET KEY #2341



**** Special Introductory Pricing ****

This jackpot reset key is compatible with most slot machines made after 1993 according to industry experts. Why cheap! Keep one as the backup key.

*** FREE DOMESTIC SHIPPING USA ONLY ***

*** FREE MINI LANYARD INCLUDED ***

Questions and answers about this item

No questions or answers have been posted about this item.

Ask a question

Back to search results

More to explore : IGT Slot Machine, IGT Slots, Slot Machine Key, Jackpot Slots, IGT Slot Machine Manual, IGT Hopper, IGT Game King, IGT Slot Kit, IGT Lock, IGT Simm

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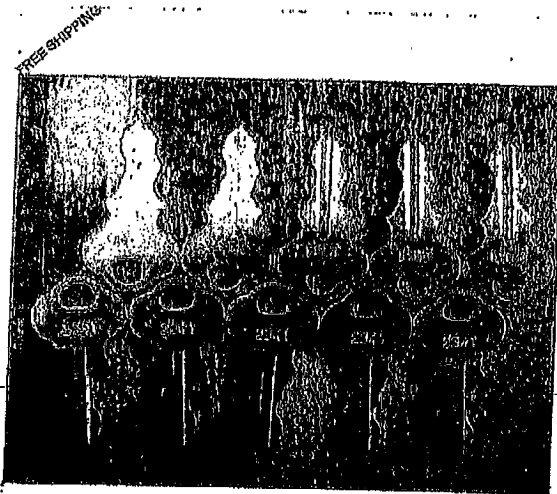
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Have one to sell? Sell it yourself

Slot Machine Jackpot Reset Replacement Key 2341- lot of 20, Free Sh

Item: New
condition:

Quantity: 1 More than 10 available / 12 sold

Price: US \$25.00

Buy It Now

Add to cart

4 watchers

Add to Watch list

Seller information

usedslots28 (28)

100% Positive feedback

Save this seller

See other items

Important: New customers get \$10 back on 1st purchase. Subject to credit approval. See terms

Shipping: FREE Standard Shipping | See details

Item location: Dixby, Oklahoma, United States
Ships to: United States and many other countries | See details

Delivery: Estimated between Thu, Aug. 22 and Mon, Aug. 26 @

Payments: ~~PayPal~~ Bill Me Later | See details

Returns: No returns or exchanges, but item is covered by eBay Buyer Protection.

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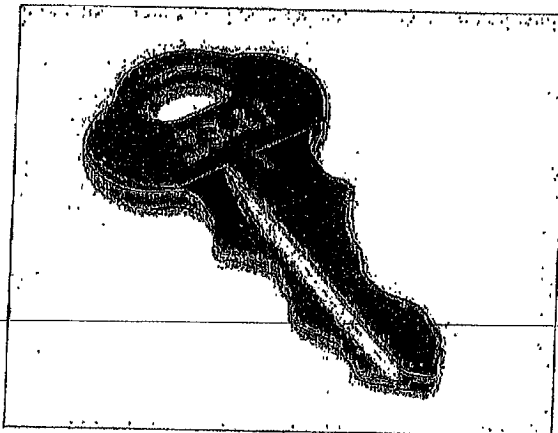
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Bally, Atronic, Sigma and Williams Slot Machine Jackpot Reset Key



Item New condition:

Quantity: 1 More than 10 available / 21 sold

Price: US \$4.99

Buy it Now

Add to cart

4 watchers

Add to Watch list

Seller information
twohymedia(280) 100% Positive feedbackSave this seller
See other items

Visit store: twohymedia

New customers get \$10 back on 1st purchase
Subject to credit approval. See terms

Shipping: \$2.88 Standard Shipping | See details

Item location: Winona, Minnesota, United States
Ships to: WorldwideDelivery: Estimated between Thu. Aug. 22 and Mon. Aug. 28
Use Expedited Shipping to get it by Aug. 28

Payments: PayPal Bill Me Later | See details

Returns: 60 days money back or item exchange, buyer pays return shipping | Read details

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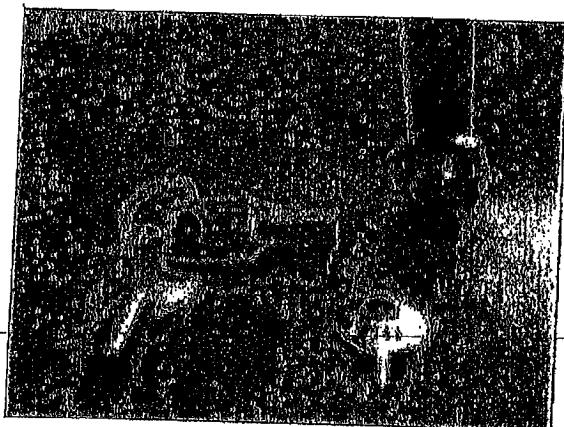
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Back to search results Listed in category: Collectibles > Casino > Slots > Replacement Parts

IGT SLOT MACHINE - DOOR LOCK & RESET KEY Bally/wms/CDs



Item condition:

Quantity: 1 More than 10 available / 225 sold

Price: US \$14.49

Buy it Now

Add to cart

180 watchers

Add to Watch list

Seller information
foxslots1(478)

99.8% Positive feedback

Save this seller

See other items

Visit store: Gallery of Slots

Now customers get \$10 back on 1st purchase
Subject to credit approval. See terms

Shipping: \$3.57 Standard Shipping | See details

Item location: Framingham, Massachusetts, United States

Ships to: Worldwide

Delivery: Estimated between Thu. Aug. 22 and Mon. Aug. 26

Use Expedited Shipping to get it by Aug. 28

Payments: PayPal Bill Me Later | See details

Returns: 14 days money back, buyer pays return shipping | Read details

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Learn more

Description Shipping and payments

Print

Seller assumes all responsibility for this listing.

Last updated on Apr 20, 2013 08:13:18 PDT | View all revisions

eBay Item number

Item specifics

Condition: New: A brand-new, unused, unopened, undamaged item (including handmade items). See the seller's listing ... Read more

Gallery of Slots

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Search Slots

BALLY SLOTS - 25 year old | BALLY SLOTS - 30 YEAR OLD | MANUALS | BALLY FEATURE GLASS | PARTS

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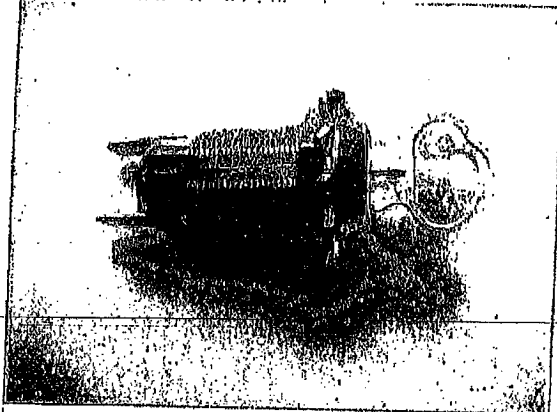
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ALMOST GONE



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Have one to sell? Sell it yourself

IGT SLOT MACHINE RESET LOCK AND KEY SET

Item condition:

Quantity: 9 available / 73 sold

Price: US \$10.95

Buy It Now

Add to cart

14 watchers

Add to Watch list

Seller information

raz410(887 ★)

100% Positive feedback

Save this seller

See other items

Visit store: RAZ410 SLOT

PayPal New customers get \$10 back on 1st purchase. Subject to credit approval. See terms

Shipping: \$3.76 Standard Shipping | See details

Item location: Erie, Pennsylvania, United States

Ships to: United States

Delivery: Estimated between Thu. Aug. 22 and Mon. Aug. 28

Payments: **PayPal** Bill Me Later | See details

Returns: 14 days money back, buyer pays return shipping | Read details

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Auction

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Condition

New

Not Specified

Price

\$0.00 - \$25

Customized

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Free Shipping only

Item location

on eBay.com

US Only

North America

Worldwide

4 refinements...

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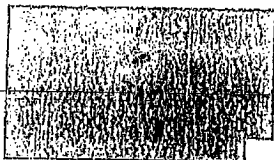
SLOT MACHINE 2341 RESET KEY
IGT BALLY WMS WILLIAMS
JACKPOT

Jan-28 12:38

\$2.89

Buy It Now

View similar active items. Sell one like this



SLOT MACHINE 2341 RESET KEY
IGT BALLY WMS WILLIAMS
JACKPOT

Jan-27 06:58

\$2.89

Buy It Now

View similar active items. Sell one like this

SLOT MACHINE
RESET KEY IC

\$2.89

See suggestions



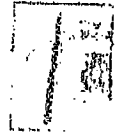
IGT J/P RESET KEY #2341, NEW, NR,
SET OF 12,

Jan-26 18:48

\$14.99

0 bids

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BALLY SLOT
MACHINE SET

\$10.00

See suggestions

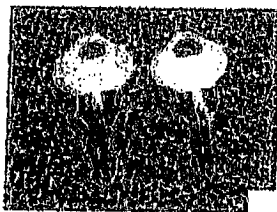
I.G.T. Reset Replacement Keys (2341)
One Pair (SALE)

Jan-26 11:48

\$4.99

1 bid

View similar active items. Sell one like this



I.G.T. Original Reset Keys (2341) One
Pair for (Slots or Poker Machines)

Jan-21 17:49

\$5.95

Buy It Now

View similar active items. Sell one like this



Bally Slot Machine
Manual for...

\$25.00

See suggestions



MEI-GSR Holdings, LLC BALLY SLOT
MACHINE SET

V.

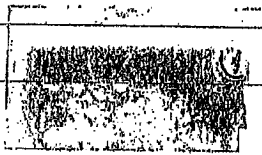
\$0.99

\$10.00

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See suggestions

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IGT, Original Reset Keys (2341) One
Pair for (Slot or Poker Machines)

Jan-19 17:33

\$4.95
0 bids

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2 NEW RESET Chicago Keys Gaming
Access Control Switch 2 LOCKS 2
KEYS #2341 Slot

Jan-14 11:32

\$10.00
0 bids

[View similar active items](#) [Sell one like this](#)


IGT J/P RESET KEY #2341, NEW, NR,
SET OF 12.

Jan-10 14:14

\$14.99
0 bids

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IGT BALLY WMS SLOT POKER
MACHINE 2341 JACKPOT RESET
KEY LOT OF TWO

Jan-07 13:56

\$5.00
0 bids

[View similar active items](#) [Sell one like this](#)


SLOT MACHINE RESET KEY 2341
IGT BALLY WILLIAMS

Jan-03 18:28

\$9.99
0 bids

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IGT Original Reset Keys (2341) One
Pair for (Slots or Poker Machines)

Jan-02 10:18

\$5.95

Buy It Now

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IGT WILLIAMS BALLY CDS WMS
SLOT JACKPOT 2341 RESET KEY

Jan-01 07:10

\$2.89

Buy It Now

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IGT, Sigma, Ballys pair of reset keys
#2341

Dec-31 20:13

\$5.50

Buy It Now

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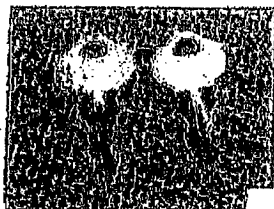
IGT Original Reset Keys (2341) One
Pair for (Slots or Poker Machines)

Dec-28 00:01

\$5.95

1 bid

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IGT Reset Replacement Keys (2341)
One Pair (SALE)

Dec-26 01:43

\$5.50

1 bid

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SLOT MACHINE 2341 RESET KEY
IGT BALLY WMS WILLIAMS
JACKPOT

Dec-24 07:34

\$2.89

Buy It Now

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IGT WILLIAMS BALLY CDS WMS
SLOT JACKPOT 2341 RESET KEY

Dec-19 17:43

V. \$2.89

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IGT J/P RESET KEY #2341, NEW, NR,
SET OF 12.

Dec-09 18:06

~~\$14.99~~

1 bid

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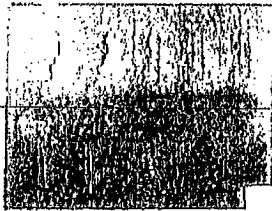
Slot Machine Jackpot Reset
Replacement Key 2341- lot of 20,
Free Shipping!

Dec-04 19:54

~~\$25.00~~

Buy It Now

View similar active items: Sell one like this



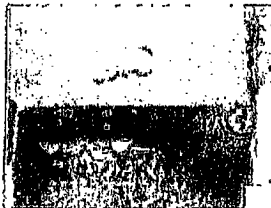
SLOT MACHINE RESET KEY 2341
IGT BALLY WILLIAMS

Dec-02 17:50

~~\$10.49~~

3 bids

View similar active items: Sell one like this



I.G.T. Original Reset Keys (2341) One
Pair for (Slots or Poker Machines)

Dec-02 16:18

~~\$5.95~~

1 bid

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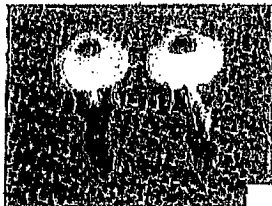
I.G.T. Reset Replacement Keys (2341)
One Pair (SALE)

Nov-28 09:29

~~\$4.99~~

1 bid

View similar active items: Sell one like this



SLOT MACHINE 2341 RESET KEY
IGT BALLY WMS WILLIAMS
JACKPOT

Nov-24 09:58

~~\$2.99~~

Buy It Now

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IGT Original Reset Keys (2341) One Pair for (Slot or Poker Machines)

Nov-18 18:44

\$8.99

Buy it Now

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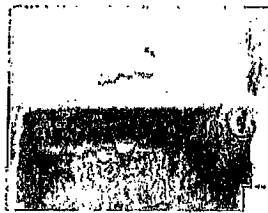
IGT WILLIAMS BALLY CDB WMS
SLOT JACKPOT 2341 RESET KEY

Nov-18 15:48

\$8.99

Buy it Now

View similar active items | Sell one like this



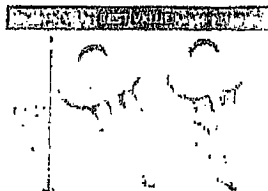
SLOT MACHINE RESET KEY 2341
IGT BALLY WILLIAMS

Nov-11 17:03

\$9.99

1 bid

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IGT Jackpot Reset Key #2341 for IGT
Slot Machines

Nov-10 13:51

\$8.99

Buy it Now

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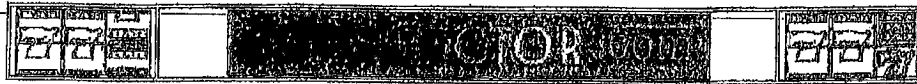
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IGT 2341 Jackpot reset key

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Jackpot reset key, number 2341, used on IGT, Bally and Williams (WMS) gaming machines.

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 Total \$0.00
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Price: \$4.99

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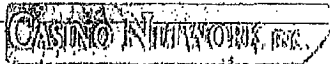
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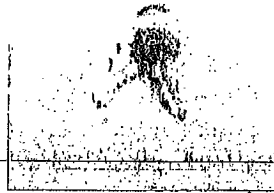
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Slot Payouts by Casino / City / State

The following information was gathered by the various Gaming Commissions controlling their casinos within their jurisdiction. Casinos constantly add and remove slot machines, trying new slot variations, therefore, the following information is presented as a guide only because these numbers change slightly every day. Please remember not all gaming areas are required to supply payout reports. The percentages below represent video poker, keno and slots, with machines of all denominations.

Casino / City - State Slot Payout % to Player

Atlantic City

| | |
|------------------|------|
| AC Hilton | 92.4 |
| Borgata | 92.1 |
| Resorts | 92.2 |
| Trump TajMahal * | 92.2 |

Colorado

| | |
|---------------|------|
| BlackHawk | 94.6 |
| Central City | 94.0 |
| Cripple Creek | 94.4 |

Connecticut

| | |
|-------------|------|
| Foxwoods | 91.9 |
| Mohegan Sun | 92.0 |

Illinois

| | |
|----------------|------|
| Alton Belle | 94.3 |
| Casino Queen | 94.9 |
| Grand Victoria | 94.0 |

Indiana

| | |
|---------------------|------|
| Argosy Lawrenceburg | 93.8 |
| Belterra | 92.8 |
| Caesars | 93.3 |

Iowa

| | |
|-------------------|------|
| Diamond Jo | 93.5 |
| Isle - Bettendorf | 93.4 |
| Prairie Meadows | 93.8 |

Louisiana

| | |
|-------------------------|------|
| Baton Rouge | 92.7 |
| Lake Charles | 92.1 |
| New Orleans | 92.4 |
| Shreveport/Bossier City | 92.8 |

Mississippi

| | |
|----------------|------|
| Coastal Region | 93.7 |
|----------------|------|

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| | |
|-----------------------|------|
| North River Region | 93.6 |
| South River Region | 93.2 |
| Missouri | |
| Ameristar Kansas City | 92.9 |
| Argosy Riverside | 93.8 |
| Isle of Capri | 92.9 |
| President | 93.6 |
| Nevada | |
| Boulder Strip | 95.8 |
| North Las Vegas | 95.6 |
| Balance Clark County | 95.3 |
| Laughlin | 93.9 |
| Lake Tahoe | 93.7 |
| Las Vegas Strip | 93.6 |
| Las Vegas Downtown | 94.2 |
| Mesquite | 94.8 |
| Reno | 94.7 |

Slot Machine Payoffs - Las Vegas



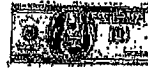
Slot Machine Payoffs - Laughlin



Slot Machine Payoffs - Reno



Slot Machine Payoffs - Lake Tahoe



Slot Machine Payoffs - Nationwide



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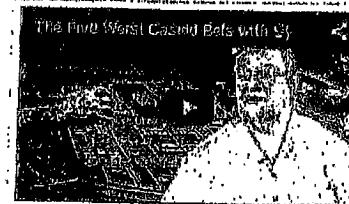
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Slot Machine Payback Statistics

Last Updated on 03 May 2013 Published Date

Find out what slot machines actually returned to the public

| | | | |
|--------------|---------------|----------------|----------------|
| Alabama | Arizona | Arkansas | California |
| Colorado | Connecticut | Delaware | Florida |
| Georgia | Idaho | Illinois | Indiana |
| Iowa | Kansas | Louisiana | Maine |
| Maryland | Massachusetts | Michigan | Minnesota |
| Mississippi | Missouri | Montana | Nevada |
| New Jersey | New Mexico | New York | North Carolina |
| North Dakota | Ohio | Oklahoma | Oregon |
| Pennsylvania | Rhode Island | South Carolina | South Dakota |
| Texas | Washington | West Virginia | Wisconsin |
| Wyoming | | | |

ALABAMA

Alabama has three Indian casinos that offer Class II video gaming machines. They are not required to release payback statistics about their machines.

ARIZONA

In mid-1993 Arizona's Governor Symington signed a compact with the state's tribes that allowed them to offer slot machines on their reservations.

The compact originally didn't allow for any table games but in early 2003 blackjack was added as a permissible table game.

Arizona tribes aren't required to release information on their slot machine percentage paybacks, however, according to the Arizona Department of Gaming, the terms of the compact require each tribes' machines to return the following minimum and maximum paybacks: video poker and video blackjack - 83% to 100%, slot machines - 80% to 100%, keno - 73% to 100%. Each tribe is free to set its machines to pay back anywhere within those limits.

ARKANSAS

Arkansas has two pari-mutuel facilities featuring "electronic games of skill," which are defined as "games played through any electronic device or machine that affords an opportunity for the exercise of skill or judgment where the outcome is not completely controlled by chance alone."

The games offered are video poker, video blackjack, and "skill" slots where you have two opportunities to spin the reels. The "skill" game comes into play because after seeing the results of your first spin you then have to decide whether to keep none, one, two, or all three of the symbols on each reel before you spin them again. Gaming regulations require that all of the electronic games of skill must return a minimum of 88%.

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For the one year period from July 2011 through June 2012, the average gaming machine's return at Oaklawn was 93.20% and at Southland it was 93.97%

CALIFORNIA

California's Indian casinos are legally allowed to offer electronic gaming machines, blackjack, and other house-banked card games. The games of craps and roulette are not permitted. However, some casinos do offer modified versions of craps and roulette that are played with cards rather than dice or roulette wheels.

Most California card rooms also offer some form of player-banked blackjack, but because they are prohibited by law from playing blackjack, the game is usually played to 22 rather than 21. Additionally, players must pay a commission to the house on every hand they play. The amount will vary depending on the rules of the house but, generally, it's about two to five percent of the total amount bet. There are about 90 card rooms in California and you can see a listing of them on the Internet at: <http://www.cgc.ca.gov>

California's tribes aren't required to release information on their slot machine percentage paybacks and the state of California does not require any minimum returns.

COLORADO

Here's information, as supplied by Colorado's Division of Gaming, showing the slot machine payback percentages for each city's casinos for the one-year period from July 1, 2011 through June 30, 2012:

| | Black Hawk | Central City | Cripple Creek |
|-----------|------------|--------------|---------------|
| 1¢ Slots | 89.96% | 90.58% | 91.95% |
| 5¢ Slots | 93.70% | 93.72% | 93.27% |
| 25¢ Slots | 94.03% | 93.61% | 95.40% |
| \$1 Slots | 94.50% | 95.92% | 95.06% |
| \$5 Slots | 94.72% | 93.12% | 95.40% |
| All | 92.80% | 92.93% | 93.66% |

These numbers reflect the percentage of money returned on each denomination of machine and encompass all electronic machines including video poker and video keno. The best returns for each category are highlighted in bold print.

CONNECTICUT

The following information is from Connecticut's Division of Special Revenue regarding MGM Grand and Foxwoods' slot payback percentages:

| Denomination | Payback % |
|--------------|-----------|
| 1¢ | 89.27 |
| 2¢ | 90.28 |
| 5¢ | 90.11 |
| 20¢ | 92.30 |
| 50¢ | 90.57 |
| \$1.00 | 93.80 |
| \$5.00 | 94.41 |
| \$10.00 | 95.27 |
| \$25.00 | 93.98 |
| \$100.00 | 94.89 |
| Average | 91.69 |

These figures reflect the total percentages returned by each denomination of slot machine from July 1, 2011 through June 30, 2012.

Major Money

Rain Dance

Ronin

Red Sands

Tiger Treasures

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Here's information from Connecticut's Division of Special Revenue regarding Mohegan Sun's slot payback percentages:

| Denomination | Payback % |
|--------------|-----------|
| 1/4¢ | 86.28 |
| 1/2¢ | 88.06 |
| 1¢ | 88.29 |
| 2¢ | 88.98 |
| 5¢ | 88.82 |
| 25¢ | 91.30 |
| 50¢ | 91.83 |
| \$1.00 | 98.28 |
| \$5.00 | 93.70 |
| \$10.00 | 96.04 |
| \$25.00 | 94.19 |
| \$100.00 | 93.19 |
| Average | 91.76 |

These figures reflect the total percentages returned by each denomination of slot machine from July 1, 2011 through June 30, 2012.

DELAWARE

Delaware's three pari-mutuel facilities all feature slot machines. Technically, the machines are video lottery terminals (VLT's) because they are operated in conjunction with the Delaware Lottery. Unlike VLT's in other states, however, Delaware's machines pay out in cash. The VLT's also play other games including: video poker, video keno and video blackjack.

By law, all video lottery games must return between 87% and 95% of all wagers on an annual basis. Games can return above 95% but only with the Lottery Director's approval.

According to figures from the Delaware Lottery for the one-year period from July 26, 2011 through June 28, 2012 the average VLT return at Delaware Park was 92.12%, at Dover Downs it was 92.00% and at Harrington Raceway it was 91.54%.

FLORIDA

Florida has three forms of casino gambling: casino boats, Indian casinos and gaming machines at pari-mutuels in one south Florida county.

The casino boats offers gamblers the opportunity to board ships that cruise offshore where casino gambling is legal. From the east coast the boats sail three miles out into the Atlantic Ocean and from the west coast the boats travel nine miles out into the Gulf of Mexico. Since the casino boats travel in international waters they are free from regulations and the machines can be set to pay back whatever the operator wants without regard to a minimum payback percentage.

Florida has eight Indian gaming locations. The Seminole Tribe has seven and the eighth is on the Miccosukee Tribe's reservation.

The Seminoles signed a compact with the state that allows them to offer both Class II and traditional Class III gaming machines. As part of their compact, five Seminole casinos are also allowed to offer blackjack (BJ), baccarat (B), mini-baccarat (MB), three card poker (TCP), let it ride (LIR) and pai gow poker (PGP).

The Miccosukee Tribe has not signed a compact and they only offer Class II gaming machines at their casino.

Class II video gaming devices look like slot machines, but are actually bingo games and the spinning reels are for "entertainment purposes only." No public information is available concerning the payback percentages on any gaming machines in Florida's Indian casinos.

The other games allowed in all Indian casinos are: high-stakes bingo, video pull tabs, and poker. All of the casinos are open 24 hours (except Big Cypress) and all offer bingo except for both Seminole Hard Rock Casinos and the Seminole Casino Coconut Creek. The minimum gambling age is 18 at all Indian casinos for bingo or poker and 21 for electronic gaming machines.

In early 2005 voters in Broward County (home county of Fort Lauderdale) passed a referendum to allow slot machines at four pari-mutuel facilities within that county.

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The first slot facility opened in late 2008 and two others followed within six months. The fourth facility, Dana Jai-Alai, has indefinitely postponed the installation of its slot machines.

In January 2008 voters in Miami-Dade County also passed a referendum permitting slot machines at three pari-mutuel facilities. Two facilities have opened and the third, Miami Jai-Alai, is not expected to begin offering slots until mid 2011 at the earliest.

Florida gaming regulations require a minimum payback of 85% on all gaming machines.

From July 1, 2011 through June 30, 2012, the gaming machines at Gulfstream returned 91.88%, the return was 92.02% at Mardi Gras Gaming, 92.47% at The Isle, 93.20% at Magic City, 92.79% at Miami Jai Alai and 90.98% at Calder.

GEORGIA

There are two casino boats in Georgia which both sail three miles out into international waters where casino gambling is permitted.

Since the casino boats travel in international waters they are free from regulations and the machines can be set to pay back whatever the operator wants without regard to a minimum payback percentage.

IDAHO

Idaho has six Indian casinos that offer electronic pull-tab machines and other video games. The machines don't pay out in cash. Instead they print out a receipt which must be cashed by a floor attendant or taken to the cashier's cage. Some casinos also offer bingo (BG) and off-track betting (OTB).

The terms of the compact between the tribes and the state do not require any minimum payback percentage that the gaming machines must return to the public.

ILLINOIS

Here's information from the Illinois Gaming Board showing each casino's average slot payback percentage for the one-year period from July 1, 2011 through June 30, 2012:

| CASINO | PAYBACK % |
|---------------------|-----------|
| Casino Queen | 93.41 |
| Argosy Allon | 92.27 |
| Grand Victoria | 92.08 |
| Harrah's Joliet | 91.84 |
| Rock Island | 91.53 |
| Par-A-Dice | 91.15 |
| Hollywood - Aurora | 91.01 |
| Hollywood - Joliet | 90.87 |
| Rivers Casino | 89.87 |
| Harrah's Metropolis | 89.23 |

These figures reflect the total percentages returned by each casino for all of their electronic machines. As you can see, the Casino Queen returned the most to its slot machine players, while Harrah's in Metropolis returned the least.

INDIANA

Following is information from the Indiana Gaming Commission regarding average slot payout percentages for the one-year period from July 1, 2011 through June 30, 2012:

| CASINO | PAYBACK % |
|---------------|-----------|
| Hoosier Park | 91.85 |
| Indiana Live! | 91.74 |

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| | |
|---------------------|-------|
| Rising Star | 91.68 |
| Blue Chip | 91.58 |
| French Lick | 91.38 |
| Bellera | 91.30 |
| Hollywood | 90.89 |
| Horseshoe Casino St | 90.81 |
| Casino Aztec | 90.33 |
| Majestic Star | 90.46 |
| Majestic Star II | 90.27 |
| Ameristar | 90.02 |
| Horseshoe Hammond | 89.88 |

These figures reflect the average percentage returned by each casino for all of their electronic machines including slot machines, video poker, video keno, etc.

IOWA

Here's information, as supplied by the Iowa Racing and Gaming Commission, showing the electronic gaming machine payback percentages for all non-Indian locations for the one-year period from July 1, 2011 through June 30, 2012:

| LOCATION | PAYBACK % |
|----------------------------|-----------|
| Isle of Capri - Waterloo | 91.81 |
| Prairie Meadows | 91.75 |
| Rhythm City | 91.62 |
| Isle of Capri - Bettendorf | 91.63 |
| Wild Rose - Emmetsburg | 91.40 |
| Isle Of Capri - Marquette | 91.49 |
| Riverside | 91.04 |
| Wild Rose - Clinton | 91.14 |
| Mystique Casino | 90.84 |
| Calfee Band | 90.88 |
| Diamond Jo Dubuque | 90.65 |
| Terrill's Lakeside | 90.52 |
| Diamond Jo Worth | 90.04 |
| Ameristar | 90.02 |
| Argosy Sioux City | 90.24 |
| Harrah's | 89.39 |
| Horseshoe Council Bluffs | 89.48 |

These figures reflect the total percentages returned by each riverboat casino or pari-mutuel facility for all of its electronic machines including: slots, video poker, video keno, etc.

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KANSAS

In April 2007 the Kansas legislature authorized local referendums to allow state-run casinos in four counties.

The Kansas Racing & Gaming Commission does not release information about the payback percentages on electronic gaming machines in Kansas. However, gaming regulations require that all machines return no less than 87%.

There are also five Indian casinos in Kansas and they are not required to release information on their slot machine payback percentages. However, according to officials at the Kansas State Gaming Agency, which is responsible for overseeing the tribal-state compacts, "the minimum payback percentage for electronic gaming devices is 80%."

LOUISIANA

Gaming regulations require that gaming machines in casinos be programmed to pay back no less than 80% and no more than 99.9%. For video gaming machines at locations other than casinos the law requires a minimum return of 80% and a maximum return of 94%.

Louisiana gaming statistics are not broken down by individual properties. Rather, they are classified by region: Baton Rouge (BR), Lake Charles (LC), New Orleans (NO) and Shreveport/Bossier City (SB).

The Baton Rouge casinos consist of the Belle of Baton Rouge, Hollywood Casino, L'Auberge and Evangeline Downs. The Lake Charles casinos include Isle of Capri, L'Auberge du Lac and Delta Downs. New Orleans area casinos are Amelia Belle, Boomtown, Harrah's (land-based), Treasure Chest and Fairgrounds Raceway. The Shreveport/Bossier City casinos include Boomtown, Diamond Jack's, Sam's Town, Eldorado, Horseshoe and Harrah's Louisiana Downs.

Here's information, as supplied by the Louisiana State Police-Riverboat Gaming Section, showing the average electronic machine payback percentages for each area's casinos for the 12-month period from June, 2011 through May, 2012:

| | BR | LC | NO | SB |
|-----|-------|-------|-------|-------|
| 1¢ | 88.6% | 88.0% | 88.6% | 88.6% |
| 5¢ | 91.2% | 90.8% | 92.3% | 91.3% |
| 25¢ | 93.4% | 92.2% | 92.7% | 92.1% |
| \$1 | 93.8% | 92.3% | 93.8% | 93.3% |
| \$5 | 94.9% | 94.8% | 94.5% | 93.1% |
| All | 90.7% | 91.0% | 90.4% | 90.9% |

These numbers reflect the percentage of money returned on each denomination of machine and encompass all electronic machines including video poker and video keno. The best returns for each category are highlighted in bold print and you can see that the Baton Rouge area casinos offered the best returns in most categories.

MAINE

In early 2004 the Maine legislature authorized slot machines to be placed at Bangor Raceway and that facility opened in November 2005.

Gaming regulations require a minimum return of 89% on all machines and the games offered include slots, video poker and video blackjack.

During the 12-month period from July 2011 through June 2012, the average return on gaming machines was 90.59%.

MARYLAND

In November 2008 Maryland voters approved a referendum to allow slot machines within their state.

A maximum of 16,000 machines are permitted statewide and one facility is permitted in each of five locations: Anne Arundel County, Cecil County, Allegany County, Worcester County and the city of Baltimore.

The Ocean Downs Racetrack in Worcester county and Hollywood Casino Panyville in Cecil county opened in 2010 and 2011 respectively. Maryland Live! in Anne Arundel County opened in June 2012.

The Rocky Gap Lodge and Golf Resort in Allegany County is expected to open its casino in mid-2013 and Harrah's Baltimore is expected to open by mid-2014.

No public information is available about the actual payback percentages on gaming machines in Maryland. However, gaming regulations require a minimum payback of 87%.

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MASSACHUSETTS

Massachusetts Governor Deval Patrick signed a bill in late 2011 that legalized casinos. The law allows three casinos and one slot parlor. Additionally, the law authorizes the creation of a state gambling commission to control the industry.

The state is now in the process of putting together the five-member gambling commission which will be in charge of picking the winning casino bidders and regulating the industry. The earliest any casino is expected to open is late 2013.

Previously, Massachusetts had one casino boat which sailed three miles out into international waters where casino gambling is permitted. However, that boat ceased operating in 2009.

MICHIGAN

There are 17 Indian casinos in Michigan and the tribes are not required to release information on their slot machine payback percentages. However, according to officials at the Michigan Gaming Control Board, which is responsible for overseeing the tribal-state compacts, "the machines must meet the minimum standards for machines in Nevada or New Jersey." In Nevada the minimum return is 75% and in New Jersey it's 83%. Therefore, Michigan's Indian casinos must return at least 75% in order to comply with the law.

There are also three privately owned casinos in Detroit, but their slot payback information is not made available to the public.

MINNESOTA

All Minnesota casinos are located on Indian reservations and under a compact reached with the state the only table games permitted are card games such as blackjack and poker. Additionally, the only kind of slot machines allowed are the electronic video variety. Therefore, you will not find any mechanical slots that have traditional reels - only video screens.

According to the terms of the compact between the state and the tribes, however, the minimum and maximum payouts are regulated as follows: video poker and video blackjack - 85% to 98%, slot machines - 80% to 95%, keno - 75% to 95%. Each tribe is free to set its machines to pay back anywhere within those limits and the tribes do not release any information regarding their slot machine percentage paybacks.

MISSISSIPPI

The Mississippi Gaming Commission does not break down its slot statistics by individual properties. Rather, they are classified by region. The Coastal region includes Biloxi, Gulfport and Bay Saint Louis. The North region includes Tunica, Greenville and Lula. The Central region includes Vicksburg and Natchez.

With that in mind here's information, as supplied by the Mississippi Gaming Commission, showing the machine payback percentages for each area's casinos for the one-year period from June 1, 2011 through May 31, 2012:

| | Coastal | North | Central |
|-----------|---------------|---------------|---------------|
| 1¢ Slots | 91.26% | 91.08% | 91.18% |
| 5¢ Slots | 94.19% | 93.54% | 94.76% |
| 25¢ Slots | 94.48% | 93.28% | 93.33% |
| \$1 Slots | 94.37% | 94.83% | 96.08% |
| \$5 Slots | 94.94% | 95.12% | 95.61% |
| All | 92.76% | 92.10% | 92.41% |

These numbers reflect the percentage of money returned on each denomination of machine and encompass all electronic machines including video poker and video keno. The best returns for each category are highlighted in bold print and you can see that all of the gaming areas offer rather similar returns on their machines.

Mississippi is one of the few states that breaks down its progressive machine statistics separately and you can see that the return is always less on machines with progressive jackpots.

MISSOURI

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Here's information from the Missouri Gaming Commission regarding the payback percentages for each casino's electronic machines for the 12-month period from July 1, 2011 through June 30, 2012:

| CASINO | PAYBACK % |
|----------------------------|-----------|
| Isle of Capri - Booneville | 91.5 |
| River City | 91.2 |
| Terrible's Mark Twain | 90.9 |
| Terrible's St. Jo | 91.1 |
| Harrah's M.H. | 90.7 |
| Ameristar - St. Charles | 90.7 |
| Lumiere Place | 91.0 |
| Ameristar - K.C. | 90.7 |
| Argosy | 90.7 |
| Harrah's - K.C. | 90.6 |
| Isle of Capri - K.C. | 90.2 |
| Lady Luck | 89.1 |

These figures reflect the total percentages returned by each casino for all of their electronic machines including slot machines, video poker, video keno, etc.

MONTANA

Montana law permits bars and taverns to have up to 20 video gaming devices that play video poker, video keno, or video bingo. These machines are operated in partnership with the state and are not permitted to pay out in cash; instead, they print out a receipt which must be taken to a cashier. The maximum bet on these machines is \$2 and the maximum payout is limited to \$800. Montana gaming regulations require these machines to return a minimum of 90%.

There are seven Indian casinos offering video gaming machines that also print out a receipt. The maximum bet on these machines is \$5 and the maximum payout is capped at \$1,500. According to Montana's Gambling Control Division, there are no minimum payback percentages required for gaming machines on Indian reservations.

NEVADA

NEVADA - Lake Tahoe

Here's information, as supplied by Nevada's State Gaming Control Board, showing the slot machine payback percentages for all of the south shore casinos for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

| Denomination | Payback % |
|---------------|-----------|
| 1¢ Slots | 88.90 |
| 5¢ Slots | N/A |
| 25¢ Slots | 91.54 |
| \$1 Slots | 93.82 |
| \$1 Megabucks | N/A |
| \$5 Slots | N/A |
| All Slots | 93.66 |

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And here's that same information for the north shore casinos:

| Denomination | Payback % |
|---------------|-----------|
| 1¢ Slots | 92.49 |
| 5¢ Slots | N/A |
| 25¢ Slots | 88.75 |
| \$1 Slots | 92.82 |
| \$1 Megabucks | N/A |
| \$5 Slots | N/A |
| All Slots | 94.37 |

These numbers reflect the percentage of money returned to the players on each denomination of machine. All electronic machines including slots, video poker and video keno are included in these numbers.

NEVADA - Las Vegas

Unlike New Jersey, the Nevada Gaming Control Board does not break down its slot statistics by individual properties. Rather, they are classified by area.

The annual gaming revenue report breaks the Las Vegas market down into two major tourist areas: the Strip and downtown. There is also a very large locals market in Las Vegas and those casinos are shown in the gaming revenue report as the Boulder Strip and North Las Vegas areas.

When choosing where to do your slot gambling, you may want to keep in mind the following slot payback percentages for Nevada's fiscal year beginning July 1, 2011 and ending June 30, 2012:

1¢ Slot Machines
 The Strip - 88.39%
 Downtown - 89.06%
 Boulder Strip - 90.88%
 N. Las Vegas - 90.82%

5¢ Slot Machines
 The Strip - 91.31%
 Downtown - 91.06%
 Boulder Strip - 93.83%
 N. Las Vegas - 93.24%

25¢ Slot Machines
 The Strip - 91.52%
 Downtown - 94.88%
 Boulder Strip - 97.01%
 N. Las Vegas - 96.84%

\$1 Slot Machines
 The Strip - 93.36%
 Downtown - 95.39%
 Boulder Strip - 96.23%
 N. Las Vegas - 96.81%

\$1 Megabucks Machines
 The Strip - 87.77%
 Downtown - 88.01%
 Boulder Strip - 86.41%
 N. Las Vegas - 86.44%

All Slot Machines
 The Strip - 92.82%
 Downtown - 93.47%
 Boulder Strip - 94.78%
 N. Las Vegas - 93.91%

These numbers reflect the percentage of money returned to the players on each denomination of machine. All electronic machines including slots, video poker and video keno are included in these numbers and the highest-paying returns are shown in bold print. As you can see, the machines in downtown Las Vegas pay out slightly more than those located on the Las Vegas Strip.

Returns even better than the downtown casinos can be found at some of the other locals casinos along Boulder Highway such as Boulder Station and Sam's Town and also in the North Las Vegas area which would include the Fiesta, Santa Fe and Texas Station casinos. Not

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only are those numbers among the best returns in the Las Vegas area, they are among the best payback percentages for anywhere in the United States.

NEVADA - Laughlin

Here's information, as supplied by Nevada's State Gaming Control Board, showing the slot machine payback percentages for all of Laughlin's casinos for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

| Denomination | Payback % |
|---------------|-----------|
| 1¢ Slots | 88.88 |
| 5¢ Slots | 93.68 |
| 25¢ Slots | 94.78 |
| \$1 Slots | 95.25 |
| \$1 Megabucks | 88.53 |
| \$5 Slots | 94.04 |
| All Slots | 92.88 |

These numbers reflect the percentage of money returned to the players on each denomination of machine. All electronic machines including slots, video poker and video keno are included in these numbers.

NEVADA - Reno

Here's information, as supplied by Nevada's State Gaming Control Board, showing the slot machine payback percentages for all of the Reno area casinos for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

| Denomination | Payback % |
|---------------|-----------|
| 1¢ Slots | 92.29 |
| 5¢ Slots | 95.35 |
| 25¢ Slots | 93.55 |
| \$1 Slots | 96.92 |
| \$1 Megabucks | 88.88 |
| \$5 Slots | 95.11 |
| \$25 Slots | 97.04 |
| All Slots | 95.11 |

These numbers reflect the percentage of money returned on each denomination of machine and encompass all electronic machines including slots, video poker and video keno.

NEW JERSEY

Following is information from the New Jersey Casino Control Commission regarding average slot payout percentages for the 12-month period from July 1, 2011 through June 30, 2012:

| CASINO | PAYBACK |
|-----------------|---------|
| Borgata | 91.7 |
| Trump Taj Mahal | 91.0 |
| Trump Plaza | 90.8 |
| Resorts | 91.2 |
| Atlantis Club | 91.3 |

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|---------------|-------|
| Harrah's | 91.3 |
| Tropicana | 90.8 |
| Golden Nugget | 90.8 |
| Bally's A.C. | 90.8 |
| Caesars | 90.6 |
| Showboat | 89.7 |
| Revel | 89.3* |

* Please note: the figures for Revel Casino only include the 3 month period of April-June, 2012 since it opened.

These figures reflect the total percentages returned by each casino for all of their electronic machines which includes slot machines, video poker, etc.

NEW MEXICO

New Mexico's Indian casinos offer an assortment of table games and electronic gaming machines. Additionally, slot machines are allowed at the state's racetracks as well as at about 40 various fraternal and veterans clubs.

New Mexico gaming regulations require that electronic machines at racetracks and fraternal/veterans organizations return a minimum of 80% to a maximum of 96%.

New Mexico's Indian tribes do not make their slot machine payback percentages a matter of public record but the terms of the compact between the state and the tribes require all electronic gaming machines to return a minimum of 80%.

NEW YORK

There are five Indian casinos located in upstate New York which offer traditional Class III casino gambling.

The terms of the compact between the tribes and the state allow table games and slot machines, including video keno and video poker. These machines do not pay out in cash. Instead, they print out a receipt which must be exchanged for cash.

There are also five Indian casinos that offer Class II gambling which consist of electronic gaming machines which look like slot machines, but are actually games of bingo and the spinning video reels are for "entertainment purposes only." No public information is available concerning the payback percentages on gaming machines at Indian casinos.

In October 2001, legislation was passed to allow for the introduction of slot machine-type video lottery machines at New York racetracks. Officially referred to as Video Gaming Machines (VGM's), they are regulated by the New York State Lottery Division.

All VGM's offer standard slot machine-type games, plus keno in denominations from five cents to \$10. The machines all accept cash but do not pay out in cash. They print a receipt which must be taken to a cashier.

The legislation authorizing the VGM's states, "the specifications for video lottery gaming shall be designed in such a manner as to pay prizes that average no less than ninety percent of sales."

Here's information, as supplied by the New York Lottery, showing the video gaming machine payback percentages for each of the state's racetracks for the one-year period from July 1, 2011 through June 30, 2012:

| LOCATION | PAYBACK % |
|---------------|-----------|
| Monticello | 92.22 |
| Finger Lakes | 91.88 |
| Empire City | 91.76 |
| Saratoga | 91.76 |
| Tioga Downs | 91.60 |
| Resorts World | 91.40* |
| Fairgrounds | 91.24 |

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|---------------|-------|
| Vernon Downs | 91.21 |
| Balavia Downs | 91.16 |

* Please note the figures for Resorts World only includes the period of October, 2011 through June, 2012 since it opened.

NORTH CAROLINA

North Carolina has one Indian casino. In August, 1994 the state's Eastern Band of Cherokee Indians signed a compact with the governor to allow forms of video gambling. According to the terms of the compact, the video machines must be games of skill and they are required to return a minimum of 83% and a maximum of 98%.

NORTH DAKOTA

North Dakota has more than 800 slots throughout the state that offer blackjack, with betting limits of \$1-\$25, for the benefit of charities.

There are also six Indian casinos which are limited by law to the following maximum bet limits: blackjack-\$100 (two tables in a casino may have limits up to \$250), craps-\$80, roulette-\$50, slot/video poker-\$25 and poker-\$30 per bet, per round with a maximum of three rounds.

The terms of the state's compact with the tribes require gaming machines to return a minimum of 80% and a maximum of 100%. However, if a machine is affected by skill, such as video poker or video blackjack, the machines must return a minimum of 83%.

OHIO

Ohio voters passed a statewide referendum in November 2009 to allow one casino to open in each of four major cities: Cleveland, Cincinnati, Columbus and Toledo.

From May 2012 through February 2013, the slot payout percentages for Ohio casinos were as follows:

Horseshoe Cleveland 90.06%
Hollywood Columbus 91.00%*
Hollywood Toledo 91.06%

Hollywood Columbus opened in October 2012 and payback percentage only reflects October 2012-February 2013.

OKLAHOMA

All Oklahoma Indian casinos are allowed to offer both Class II and Class III gaming machines.

Most casinos offer only Class II machines which look like slot machines, but are actually games of bingo and the spinning video reels are for "entertainment purposes only." Some casinos also offer traditional Class III slots.

In either case, the gaming machines are not allowed to accept or payout in coins. All payouts must be done by a printed receipt or via an electronic debit card. No public information is available concerning the payback percentages on gaming machines in Oklahoma.

OREGON

Oregon law permits bars and taverns to have up to six video lottery terminals that offer various versions of video poker. Racetracks are allowed to have no more than 10 machines. The maximum bet allowed is \$2 and the maximum payout on any machine is capped at \$600.

These machines are the same as regular video gaming devices but are called lottery terminals because they are regulated by the state's lottery commission which receives a share of each machine's revenue. The machines accept cash but do not pay out in cash; instead, they print out a receipt which must be taken to a cashier.

According to figures from the Oregon Lottery, during its fiscal year from July 1, 2010 through June 30, 2011, the VLT's had an approximate return of 92.46%.

There are nine Indian casinos in operation in Oregon. According to the governor's office which regulates the Tribe's compact, "there is no minimum payback percentage required on the Tribe's machines. Each Tribe is free to set their own limits on their machines."

PENNSYLVANIA

Following is information from the Pennsylvania Gaming Control Board regarding average slot payout percentages for the one-year period from July 1, 2011 through June 30, 2012:

| CASINO | PAYBACK % |
|-------------|-----------|
| Mount Airy | 90.67 |
| Paxx Casino | 90.59 |
| Praque Isle | 90.39 |

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|-----------------------------------|--------|
| Hollywood Casino at Penn National | 89.84 |
| Sands Bethlehem | 90.10 |
| The Meadows | 91.89 |
| Mohegan Sun at Pocono Downs | 89.98 |
| Harrah's Chester | 89.82 |
| The Rivers | 89.84 |
| Sugar House | 89.96 |
| Valley Forge | 89.80* |

* Please note: the figure for Valley Forge only reflects the four months since it has opened.

RHODE ISLAND

Rhode Island has two pari-mutuel facilities which both feature video lottery terminals (VLT's). These machines are the same as regular video gaming devices but are called lottery terminals because they are regulated by the state's lottery commission which receives a share of each machine's revenue. The machines accept cash but don't pay out in cash; instead, they print out a receipt which must be taken to a cashier.

All VLT's are programmed to play at least six different games: blackjack, keno, slots and three versions of poker (Jacks or better, Joker poker and deuces wild).

According to figures from the Rhode Island Lottery for the one-year period from August 1, 2011 through July 31, 2012 the average VLT return at Twin River was 91.45% and at Newport Grand it was 90.91%.

SOUTH CAROLINA

South Carolina has two gambling cruise ships which sail three miles out into international waters where casino gambling is permitted. Since the casino boats travel in international waters they are free from regulations and the machines can be set to pay back whatever the operators want without regard to a minimum payback percentage.

SOUTH DAKOTA

Here are statistics from the South Dakota Commission on Gaming for the payback percentages on all of Deadwood's slot machines for the one-year period from July 1, 2011 through June 30, 2012:

| Denomination | Payback % |
|--------------|-----------|
| 1¢ Slots | 90.94 |
| 5¢ Slots | 92.49 |
| 25¢ Slots | 91.33 |
| \$1 Slots | 92.40 |
| \$5 Slots | 92.09 |
| Average | 91.23 |

In addition to the Deadwood casinos, there are also nine Indian casinos in South Dakota. These casinos are also subject to the \$100 maximum bet restrictions. No information is available on the payback percentages of the video gaming machines.

TEXAS

Texas has one Indian casino which offers gaming machines based on bingo. It also offers pull tab machines, bingo, poker and a player-banked blackjack game where each player must pay a commission to the house for each bet that is made. The commission is 50¢ for \$5-\$50 bets and \$1 for bets over \$50. The minimum gambling age is 21 and the casino is open 24 hours daily.

Class II video gaming devices look like slot machines, but are actually bingo games and the spinning reels are for "entertainment purposes only." No public information is available concerning the payback percentages on any gaming machines in Texas' Indian casino.

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WASHINGTON

There are 20 Indian casinos operating in Washington and they all have compacts with the state allowing them to offer table games, as well as electronic 'scratch' ticket games which use a finite number of tickets with a predetermined number of winners and losers.

All of the state's Tribes are not required to release information on their slot machine percentage paybacks. However, according to the terms of the compact between the Tribes and the state, the minimum prize payout for electronic 'scratch' ticket games is 75%.

WEST VIRGINIA

West Virginia has four pari-mutuel facilities that feature video lottery terminals. The VLT's are the same as regular video gaming devices but are called lottery terminals because they are regulated by the state's lottery commission which receives a share of each machine's revenue.

The maximum allowable bet on a machine is \$2 and there is no limit on the prize payouts. Most of the gaming machines pay out coins or tokens, but there are also some machines which will only print out a receipt which must be taken to a cashier.

West Virginia law requires that VLT's return a minimum of 80% to a maximum of 95%. VLT games include: slots, blackjack, keno and numerous versions of poker.

For the one-year period from July 1, 2011 through June 30, 2012 the average return on VLT's was: 89.04% at Mountainineer Park, 90.91% at Tri-State Park, 89.82% at Wheeling Island and 89.75% at Charles Town Races.

WISCONSIN

All Wisconsin casinos are located on Indian reservations and the Indian tribes are not required to release information on their slot machine percentage paybacks. However, according to the terms of the compact between the state and the tribes "for games not affected by player skill, such as slot machines, the machine is required to return a minimum of 80% and a maximum of 100% of the amount wagered."

WYOMING

Wyoming has Indian casinos that offer Class II bingo-type gaming machines, plus traditional Class III slot machines.

The machines don't pay out in cash. Instead they print out a receipt which must be cashed by a floor attendant or taken to the cashier's cage. You can also make bets via a cashless system whereby you get a "smart" card and deposit money to that card's account. The machines will then deduct losses from, or credit wins to, your account.

No public information is available regarding the payback percentages on Wyoming's gaming machines.

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95%

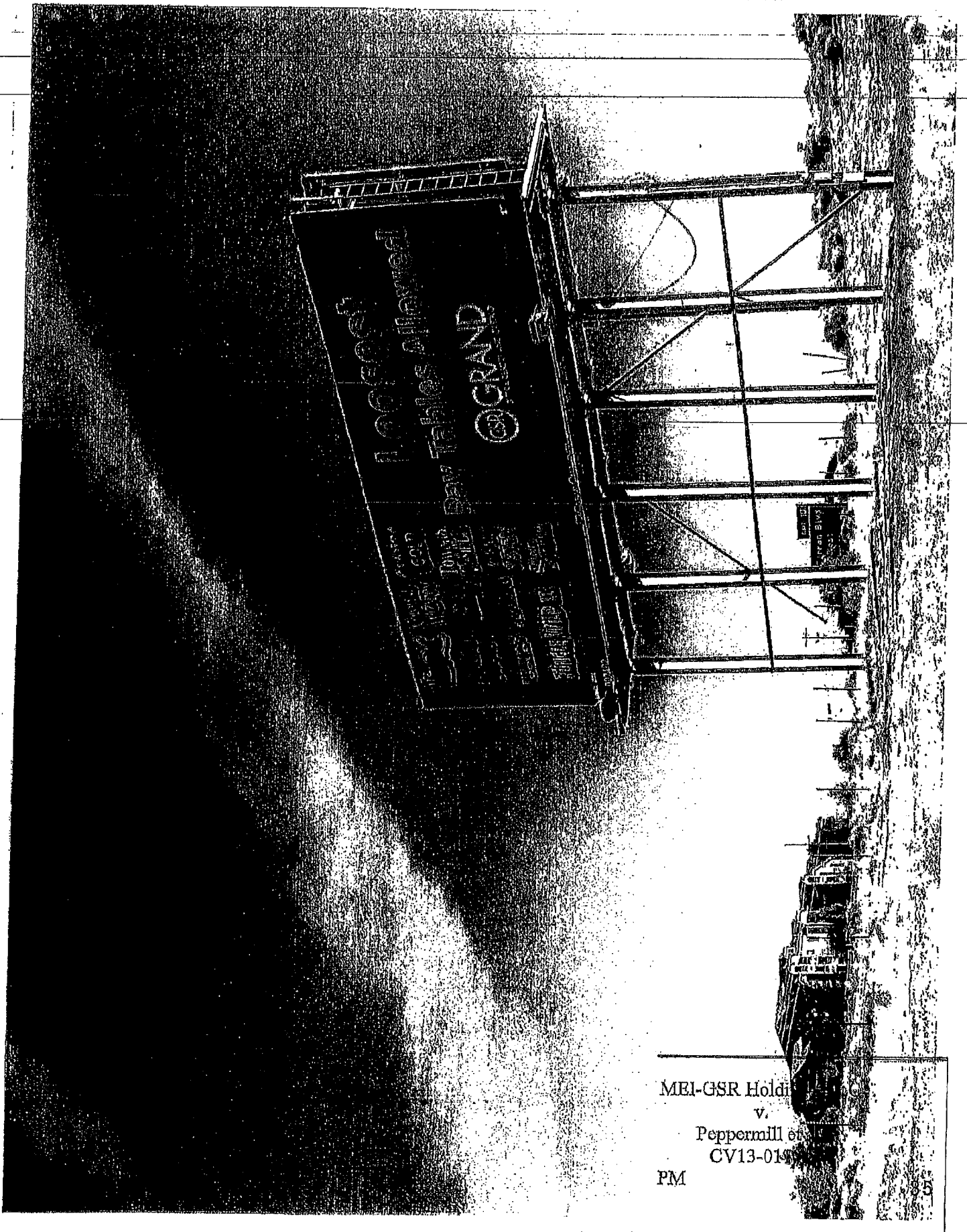
95% Penny Zone

CACHE CREEK CASINO

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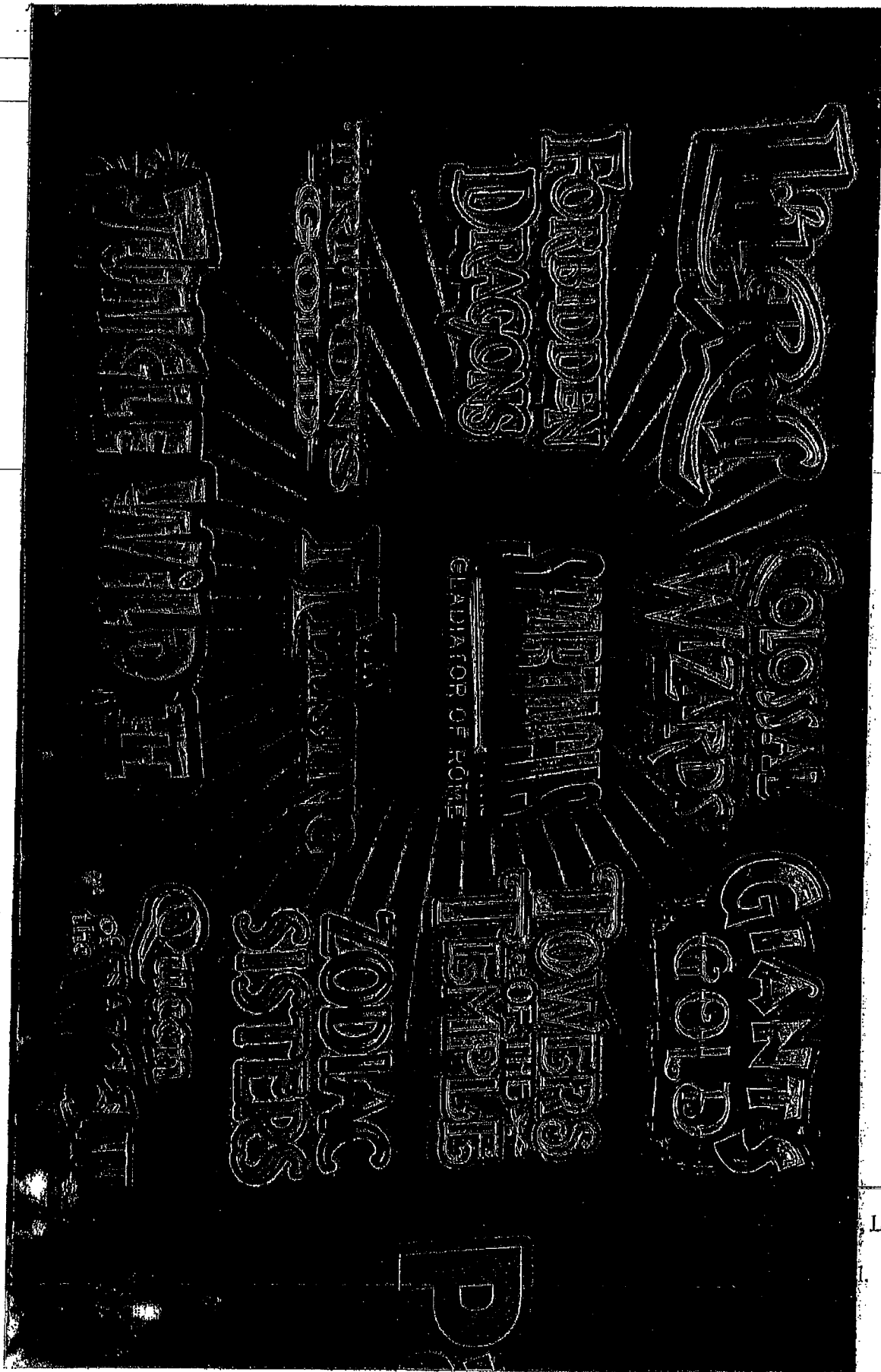
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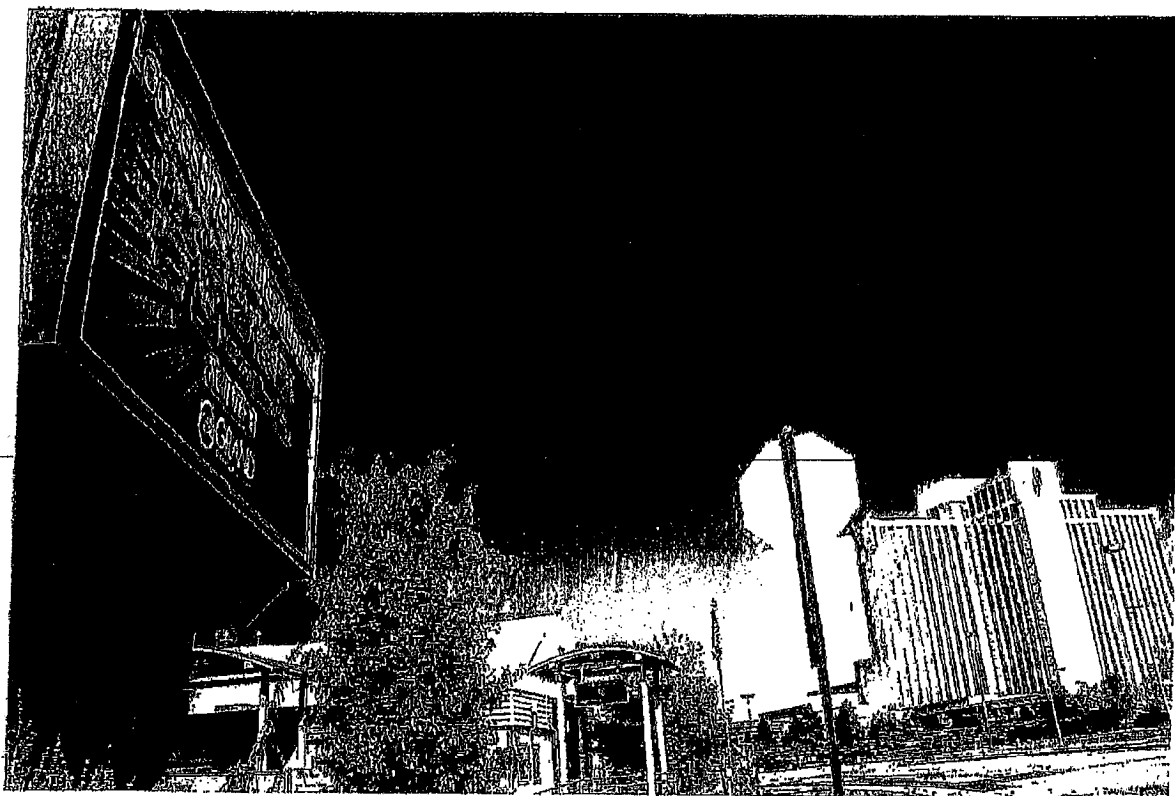
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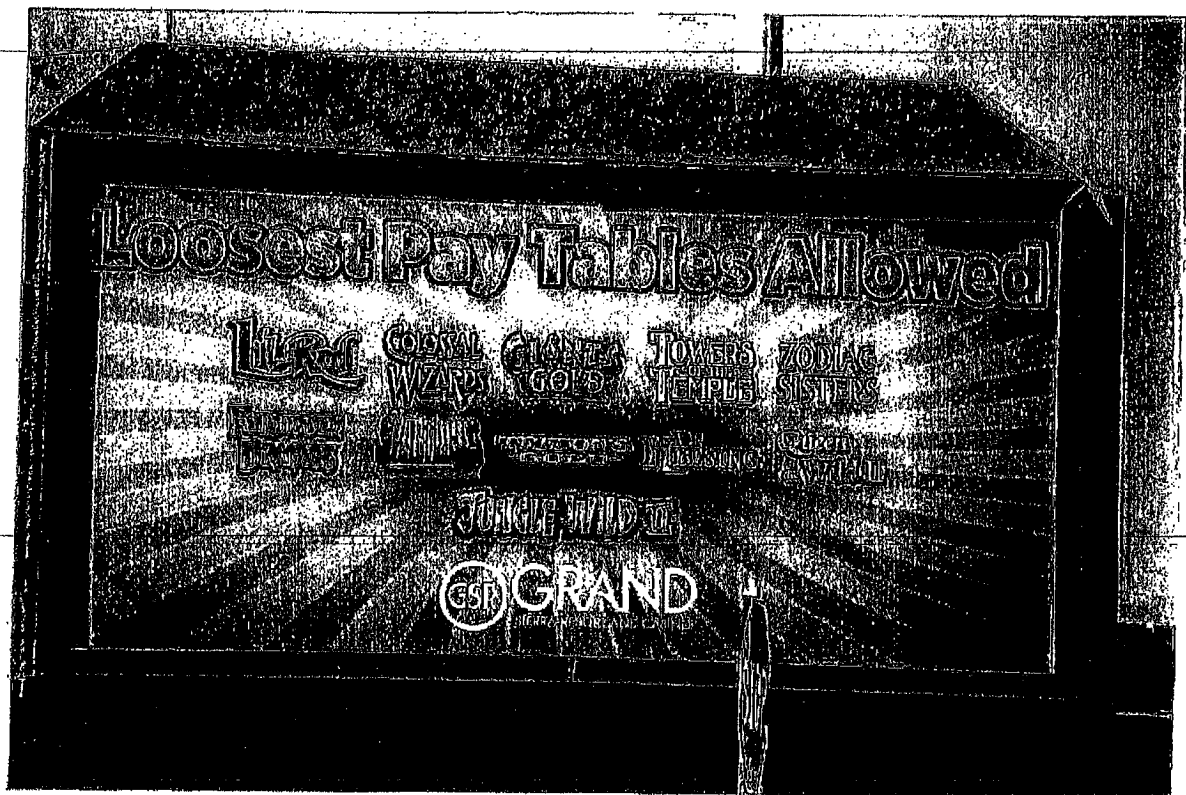
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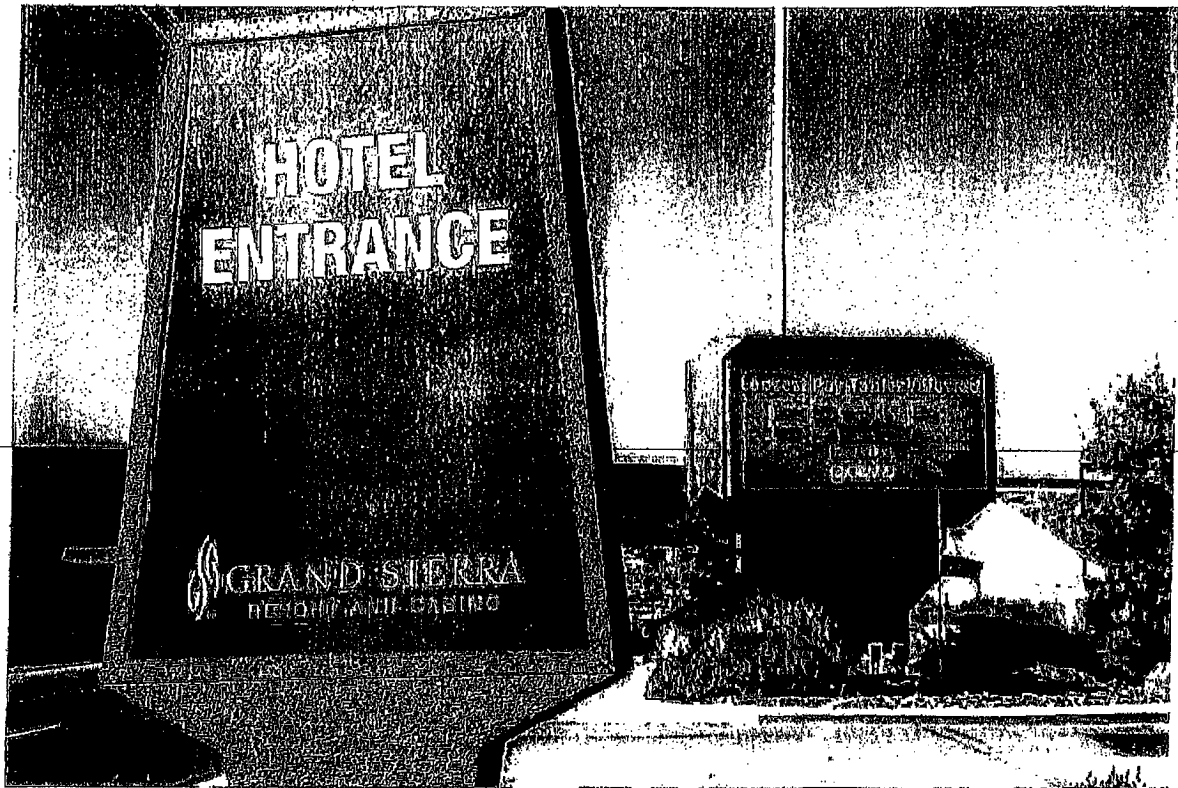
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Grand Sierra Billboard "Loosest Pay Tables Allowed"

| Theme | Loosest NV Par |
|----------------------|----------------|
| Lil' Red | 95.94 |
| Colossal Wizard | 96.21 |
| Giant's Gold | 96.21 |
| Forbidden Dragon | 95.91 |
| Spartacus | 95.94 |
| Tower of the Temple | 96.06 |
| Triton's Gold | 95.95 |
| Van Helsing | 95.91 |
| Zodiac Sisters | 95.95 |
| Jungle Wild II | 95.96 |
| Queen of the Wild II | 96.21 |
| Average | 96.02 |

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CONSIDER PIZZAZZ

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| Year | 1950 | 1951 | 1952 | 1953 | 1954 | 1955 | 1956 | 1957 | 1958 | 1959 | 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 | 1967 | 1968 | 1969 | 1970 | 1971 | 1972 | 1973 | 1974 | 1975 | 1976 | 1977 | 1978 | 1979 | 1980 | 1981 | 1982 | 1983 | 1984 | 1985 | 1986 | 1987 | 1988 | 1989 | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 | 2033 | 2034 | 2035 | 2036 | 2037 | 2038 | 2039 | 2040 | 2041 | 2042 | 2043 | 2044 | 2045 | 2046 | 2047 | 2048 | 2049 | 2050 | 2051 | 2052 | 2053 | 2054 | 2055 | 2056 | 2057 | 2058 | 2059 | 2060 | 2061 | 2062 | 2063 | 2064 | 2065 | 2066 | 2067 | 2068 | 2069 | 2070 | 2071 | 2072 | 2073 | 2074 | 2075 | 2076 | 2077 | 2078 | 2079 | 2080 | 2081 | 2082 | 2083 | 2084 | 2085 | 2086 | 2087 | 2088 | 2089 | 2090 | 2091 | 2092 | 2093 | 2094 | 2095 | 2096 | 2097 | 2098 | 2099 | 2100 |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| 1950 | 1951 | 1952 | 1953 | 1954 | 1955 | 1956 | 1957 | 1958 | 1959 | 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 | 1967 | 1968 | 1969 | 1970 | 1971 | 1972 | 1973 | 1974 | 1975 | 1976 | 1977 | 1978 | 1979 | 1980 | 1981 | 1982 | 1983 | 1984 | 1985 | 1986 | 1987 | 1988 | 1989 | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 | 2033 | 2034 | 2035 | 2036 | 2037 | 2038 | 2039 | 2040 | 2041 | 2042 | 2043 | 2044 | 2045 | 2046 | 2047 | 2048 | 2049 | 2050 | 2051 | 2052 | 2053 | 2054 | 2055 | 2056 | 2057 | 2058 | 2059 | 2060 | 2061 | 2062 | 2063 | 2064 | 2065 | 2066 | 2067 | 2068 | 2069 | 2070 | 2071 | 2072 | 2073 | 2074 | 2075 | 2076 | 2077 | 2078 | 2079 | 2080 | 2081 | 2082 | 2083 | 2084 | 2085 | 2086 | 2087 | 2088 | 2089 | 2090 | 2091 | 2092 | 2093 | 2094 | 2095 | 2096 | 2097 | 2098 | 2099 | 2100 | |

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Forbidden Drugs

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Specimens - Director of Range

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Towers of the Triangle

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| Schedule C - Assets and Liabilities | | | | | | | | | |
|-------------------------------------|-------------------------------|---------------------|------------------------------|-------------------|----------------------|----------------------|------------------------|------------------|----------------|
| Line | Asset or Liability | Cost or Other Basis | Adjusted Cost or Other Basis | Depreciable Basis | Depreciation Allowed | Depreciation Claimed | Depreciation Remaining | Unadjusted Basis | Adjusted Basis |
| 1 | Real Estate | | | | | | | | |
| 2 | Depreciable Personal Property | | | | | | | | |
| 3 | Capital Assets | | | | | | | | |
| 4 | Liabilities | | | | | | | | |
| 5 | Net Worth | | | | | | | | |
| 6 | Other Assets | | | | | | | | |
| 7 | Other Liabilities | | | | | | | | |
| 8 | Net Worth | | | | | | | | |
| 9 | Other Assets | | | | | | | | |
| 10 | Other Liabilities | | | | | | | | |
| 11 | Net Worth | | | | | | | | |
| 12 | Other Assets | | | | | | | | |
| 13 | Other Liabilities | | | | | | | | |
| 14 | Net Worth | | | | | | | | |
| 15 | Other Assets | | | | | | | | |
| 16 | Other Liabilities | | | | | | | | |
| 17 | Net Worth | | | | | | | | |
| 18 | Other Assets | | | | | | | | |
| 19 | Other Liabilities | | | | | | | | |
| 20 | Net Worth | | | | | | | | |
| 21 | Other Assets | | | | | | | | |
| 22 | Other Liabilities | | | | | | | | |
| 23 | Net Worth | | | | | | | | |
| 24 | Other Assets | | | | | | | | |
| 25 | Other Liabilities | | | | | | | | |
| 26 | Net Worth | | | | | | | | |
| 27 | Other Assets | | | | | | | | |
| 28 | Other Liabilities | | | | | | | | |
| 29 | Net Worth | | | | | | | | |
| 30 | Other Assets | | | | | | | | |
| 31 | Other Liabilities | | | | | | | | |
| 32 | Net Worth | | | | | | | | |
| 33 | Other Assets | | | | | | | | |
| 34 | Other Liabilities | | | | | | | | |
| 35 | Net Worth | | | | | | | | |
| 36 | Other Assets | | | | | | | | |
| 37 | Other Liabilities | | | | | | | | |
| 38 | Net Worth | | | | | | | | |
| 39 | Other Assets | | | | | | | | |
| 40 | Other Liabilities | | | | | | | | |
| 41 | Net Worth | | | | | | | | |
| 42 | Other Assets | | | | | | | | |
| 43 | Other Liabilities | | | | | | | | |
| 44 | Net Worth | | | | | | | | |
| 45 | Other Assets | | | | | | | | |
| 46 | Other Liabilities | | | | | | | | |
| 47 | Net Worth | | | | | | | | |
| 48 | Other Assets | | | | | | | | |
| 49 | Other Liabilities | | | | | | | | |
| 50 | Net Worth | | | | | | | | |
| 51 | Other Assets | | | | | | | | |
| 52 | Other Liabilities | | | | | | | | |
| 53 | Net Worth | | | | | | | | |
| 54 | Other Assets | | | | | | | | |
| 55 | Other Liabilities | | | | | | | | |
| 56 | Net Worth | | | | | | | | |
| 57 | Other Assets | | | | | | | | |
| 58 | Other Liabilities | | | | | | | | |
| 59 | Net Worth | | | | | | | | |
| 60 | Other Assets | | | | | | | | |
| 61 | Other Liabilities | | | | | | | | |
| 62 | Net Worth | | | | | | | | |
| 63 | Other Assets | | | | | | | | |
| 64 | Other Liabilities | | | | | | | | |
| 65 | Net Worth | | | | | | | | |
| 66 | Other Assets | | | | | | | | |
| 67 | Other Liabilities | | | | | | | | |
| 68 | Net Worth | | | | | | | | |
| 69 | Other Assets | | | | | | | | |
| 70 | Other Liabilities | | | | | | | | |
| 71 | Net Worth | | | | | | | | |
| 72 | Other Assets | | | | | | | | |
| 73 | Other Liabilities | | | | | | | | |
| 74 | Net Worth | | | | | | | | |
| 75 | Other Assets | | | | | | | | |
| 76 | Other Liabilities | | | | | | | | |
| 77 | Net Worth | | | | | | | | |
| 78 | Other Assets | | | | | | | | |
| 79 | Other Liabilities | | | | | | | | |
| 80 | Net Worth | | | | | | | | |
| 81 | Other Assets | | | | | | | | |
| 82 | Other Liabilities | | | | | | | | |
| 83 | Net Worth | | | | | | | | |
| 84 | Other Assets | | | | | | | | |
| 85 | Other Liabilities | | | | | | | | |
| 86 | Net Worth | | | | | | | | |
| 87 | Other Assets | | | | | | | | |
| 88 | Other Liabilities | | | | | | | | |
| 89 | Net Worth | | | | | | | | |
| 90 | Other Assets | | | | | | | | |
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| 92 | Net Worth | | | | | | | | |
| 93 | Other Assets | | | | | | | | |
| 94 | Other Liabilities | | | | | | | | |
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| 110 | Net Worth | | | | | | | | |
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MMIS
Thompson's Gold

MEI-GSR Holdings, LLC

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WVMS
Vape Holdings

MEI-GSR Holdings, LLC

v.

Peppermill et al.

CV13-01704

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NOTE: Our analyses are payable with an increased payback percentage for max bet wagers.

WVMS
Grant's Grill

MEI-GSR Holdings, LLC
v.
Peppermill et al.
CV13-01704

PM

WVMS
Quarter of the Year 2

MEI-GSR Holdings, LLC
v.
Peppermill et al.
CV13-01704
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Exhibit “4”

Exhibit “4”

AFFIDAVIT OF KENT R. ROBISON IN SUPPORT OF
MOTION FOR TERMINATING SANCTIONS OR, IN THE ALTERNATIVE,
MOTION TO COMPEL DISCOVERY

STATE OF NEVADA }
COUNTY OF WASHOE } ss.

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 co-counsel of record for the Defendant Peppermill Casinos, Inc. d/b/a Peppermill Casino.

2. Attached as **Exhibit 1** is a true and accurate copy of my letter dated August 6, 2014, to H. Stan Johnson, Esq. and Terry Kinnally, Esq.

3. Attached as **Exhibit 2** is a true and accurate copy of Terry Kinnally's letter to me dated August 12 2014.

4. Attached as **Exhibit 3** is a true and accurate copy of the Certificate re Nonappearance of Plaintiff's Person Most Knowledgeable Pursuant to NRCP 30(b)(6) of Monday, August 25, 2014, in the above-entitled action.

5. Attached as **Exhibit 5** is a true and accurate copy of pages 1, 8, 9, 10 and 19 of the transcript of proceedings of the Status Hearing held on June 26, 2014, in the above-entitled action.

6. Attached as **Exhibit 6** is a true and accurate copy of the Defendant Peppermill Casinos, Inc.'s First Set of Interrogatories to Plaintiff dated June 4, 2014, in the above-entitled action.

7. Attached as **Exhibit 7** is a true and accurate copy of Plaintiff's Response to Defendant Peppermill Casino, Inc.'s First Set of Requests for Production of Documents to Plaintiffs dated July 16, 2014, in the above-entitled action.

8. Attached as **Exhibit 8** is a true and accurate file-stamped copy of the Court's Minutes filed June 27, 2014, of the status hearing held on June 26, 2014, in the above-entitled action.

9. Attached as **Exhibit 9** is a true and accurate copy of my letter dated June 27, 2014, to attorneys Terry Kinnally, Mark Gunderson and Clark V. Vellis.

Robison, Belautogul,
Sharp & Low
71 Washington St.
Reno, NV 89503
(775) 329-3151

1 10. Attached as **Exhibit 10** is a true and accurate file-stamped copy of Defendant
2 Peppermill's Supplemental Amended Notice of Taking Depositions of Plaintiff's Persons Most
3 Knowledgeable Pursuant to NRCP 30(b)(6) dated July 3, 2014, in the above-entitled action.

4 11. Attached as **Exhibit 11** is a true and accurate copy of the Declaration of Anthony F.
5 Lucas, Ph.D. dated August 22, 2014.

6 12. None of the Plaintiff's lawyers has suggested or stated that the Stipulated Protective
7 Order and Order Thereon constitute an objection to discovery. The Confidentiality Agreement is
8 intended to protect discovery not prevent discovery.

9 13. The Plaintiff's counsel never informed me, or to my knowledge any of the defense
10 counsel, that the GSR would not produce witnesses for the depositions scheduled for August 25,
11 26, 27 and 28, 2014.

12 14. I have requested GSR to inform the Peppermill with some degree of specificity
13 and/or particularity exactly what documents GSR thinks that the Peppermill has that should be
14 produced under NRCP 16.1. I have invited GSR to serve requests for production of documents on
15 the Peppermill. The GSR has never indicated what documents or what information it thinks the
16 Peppermill has that should be produced under NRCP 16.1(a)(1)(B).

17 DATED: This 25TH day of August, 2014.

18
19
20 
21 KENT R. ROBISON

22 Subscribed and Sworn to Before
23 me this 25TH day of August, 2014,
24 by Kent R. Robison.

25 
26 NOTARY PUBLIC

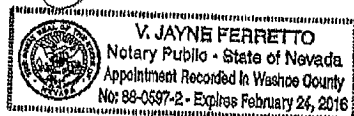


Exhibit “5”

Exhibit “5”

COHEN | JOHNSON

Terry Kinnally <tkinnally@cohenjohnson.com>

Dispute conference

2 messages

Terry Kinnally <tkinnally@cohenjohnson.com>

Mon, Jun 16, 2014 at 11:21 AM

To: krobison@rbsllaw.com, "Clark V. Vellis" <cvellis@nevadafirm.com>

This will confirm the conference we had today. I am requesting that you provide all documents as required under NRCP 16.1 including but not limited to all documents regarding all visits to GSR by Ryan Tors where he accessed any slot machines and obtained PARs or any other information as a result of his accessing the machines. I am also requesting any and all documents showing to whom this information was provided including emails, memos, texts, spreadsheets, etc. To the extent these documents may include information concerning properties other than GSR or Peppermill, a privilege log is requested. It is my understanding you will be let me know what documents you will be providing by Wednesday June 18, 2014.

We are also asking for copies of all documents concerning Ryan Tors which were produced to the Gaming Board. I understand that you are objecting to these documents as confidential and therefore we will be filing a motion for such documents under NRS 463.341.

In order to insure that all parties who may be affected by this motion receive notice I am also requesting you provide me with a list of all the properties which Ryan Tors or any other Peppermill employee visited for similar purposes.

Kent Robison <KRobison@rbsllaw.com>

Tue, Jun 17, 2014 at 1:59 PM

To: Terry Kinnally <tkinnally@cohenjohnson.com>, "Clark V. Vellis" <cvellis@nevadafirm.com>

Cc: Therese Shanks <tshanks@rbsllaw.com>

Ms. Kinnally:

NRCP 16.1 does not require production of "all documents regarding all visits to GSR by Tors where he accessed any slot machines and obtained PARS [sic] or any other information as a result of his accessing the machines." Similarly, NRCP 16.1 does not authorize us to produce information my client provided to the Gaming Control for its investigation. The initial disclosure requirements of NRCP 16.1 (a) (1) (B) is limited to those documents discoverable under Rule 26. Documents given to the Gaming Control Board are not discoverable under the provisions of Rule 26. It is interesting that GRS want to invoke 16.1 when GSR refuses to comply with 16.1 (a) (1) (C). Should you make a request

for production of documents under Rule 34 as you are required to do, we will respond accordingly. Your failure to follow the meet and confer requirements of Rule 37 is noted. Your failure to follow the provisions of NRS 463.341 is noted. Your failure to follow WDCR 12 (6) is noted.

From: Terry Kinnally [mailto:tkinnally@cohenjohnson.com]
Sent: Monday, June 16, 2014 11:21 AM
To: Kent Robison; Clark V. Vellis
Subject: Dispute conference

This will confirm the conference we had today. I am requesting that you provide all documents as required under NRCP 16.1 including but not limited to all documents regarding all visits to GSR by Ryan Tors where he accessed any slot machines and obtained PARs or any other information as a result of his accessing the machines. I am also requesting any and all documents showing to whom this information was provided including emails, memos, texts, spreadsheets, etc. To the extent these documents may include information concerning properties other than GSR or Peppermill, a privilege log is requested. It is my understanding you will be let me know what documents you will be providing by Wednesday June 18, 2014.

We are also asking for copies of all documents concerning Ryan Tors which were produced to the Gaming Board. I understand that you are objecting to these documents as confidential and therefore we will be filing a motion for such documents under NRS 463.341.

In order to insure that all parties who may be affected by this motion receive notice I am also requesting you provide me with a list of all the properties which Ryan Tors or any other Peppermill employee visited for similar purposes.

Exhibit “6”

Exhibit “6”

BEFORE THE NEVADA GAMING COMMISSION

-oOo-

FEBRUARY 2014 AGENDA

PUBLIC COMMENT

COMPLAINT(S)

FOR POSSIBLE ACTION: Consideration of Settlement Agreement received Settling Complaint filed in the Matter of the STATE GAMING CONTROL BOARD vs. PEPPERMILL CASINOS, INC., dba PEPPERMILL HOTEL & CASINO; WESTER VILLAGE; RAINBOW CLUB AND CASINO; RAINBOW CASINO; and PEPPERMILL INN & CASINO, Case No. 13-23.

THURSDAY, FEBRUARY 20, 2014

State Gaming Control Board Offices
Conference Room 2450
555 East Washington Avenue
Las Vegas, Nevada

Via videoconference to:

State Gaming Control Board Offices
Conference Room 100
1919 College Parkway
Carson City, Nevada

Reported by: ERIC V. NELSON, CCR #57, RPR, CM

A P P E A R A N C E SCOMMISSION MEMBERS PRESENT

PETER C. BERNHARD, CHAIRMAN
TONY ALAMO, M.D.
JOHN T. MORAN, JR.
JOSEPH W. BROWN
RANDOLPH TOWNSEND

BOARD MEMBERS PRESENT

A.G. BURNETT
SHAWN R. REID
TERRY JOHNSON

EXECUTIVE SECRETARY

ADRIANA FRALICK

DEPUTIES ATTORNEY GENERAL

DARLENE CARUSO
EDWARD MAGAW
JOHN MICHELA

1 LAS VEGAS AND CARSON CITY, NEVADA,

2 THURSDAY, FEBRUARY 20, 2014

3 -oOo-

4
5 CHAIRMAN BERNHARD: All right. Let's go ahead,
6 Madam Secretary, and take items that have been -- first we
7 do public comment. Let's go ahead and do that.

8 SECRETARY FRALICK: That item is placed on the
9 agenda in accordance with the Open Meeting Law to allow
10 members of the general public to make comments on gaming
11 related matters.

12 CHAIRMAN BERNHARD: If anyone wishes to address
13 the Commission -- I'm sorry, let me just confirm. We have
14 connection audio and visual with Carson City; is that
15 correct?

16 SECRETARY FRALICK: Yes, we do.

17 CHAIRMAN BERNHARD: -- either in Carson City or
18 Las Vegas who wishes to address the Commission on matters of
19 interest, please step forward. We cannot take action on
20 matters brought to our attention during public comment until
21 properly noticed on an agenda.

22 Good morning, Mr. Cohen. Please state your
23 name for the record.

24 MR. COHEN: Thank you, sir. Mr. Chairman,
25 members of the Commission, my name is Steven Cohen of the

1 law firm Cohen Johnson.

2 I'm here today to make comments during the
3 public portion of the agenda in reference to an item to be
4 heard later in the agenda involving the State of Nevada
5 versus the Peppermill matter.

6 First I'd like to thank the Board, the
7 investigative arm of the Board, the enforcement arm of the
8 Board, for the diligence that they took in investigating
9 Ryan Tors on what happened on July 12th of 2013. The
10 investigators not only understood the nature of Mr. Tors's
11 conduct but also quickly grasped the potential consequences
12 to not only the Reno properties involved and the Wendover
13 properties involved but for the entire gaming industry.
14 It's not something that my client, the Grand Sierra, took
15 lightly.

16 In attendance today is Mr. Steven Rosen,
17 president of the property. And it was a matter that they
18 felt so strongly of, they asked us to go to court as quickly
19 as possible, commence an action against the Peppermill and
20 Mr. Tors, a civil action.

21 That the Board has reached a proposed solution
22 with the gaming complaint without undue delay recognizes
23 this is not an isolated incident nor an impulsive action by
24 Mr. Tors but was a reasoned, calculated and continuing
25 course of conduct which is so difficult for my client to

1 grasp and other similarly situated casinos to grasp.

2 I didn't want this public comment to turn
3 into -- because it is not my place at this podium to discuss
4 it, but I mean, for the life of me, I just don't know what
5 the licensee, what Mr. Tors was thinking. But it's
6 important for the State, for this Commission, to understand,
7 this gentleman, Mr. Tors, went unabated for years, not just
8 once, for years going from casino to casino with a universal
9 key, literally, if this were the machine, toggling the
10 machine and accessing proprietary confidential information
11 on these penny slot machines and uploading it to his
12 employer. And that is what the stipulated settlement says.

13 We will get into it in our civil lawsuit, which
14 is of record, which we provided certainly copies to the
15 Gaming Control Board. There is a preliminary injunction in
16 effect against Mr. Tors. But it's just so important for
17 this Commission to understand the damage to the state of
18 Nevada. The damage to the integrity of what gaming stands
19 for is beyond comprehension.

20 The Peppermill has admitted to the Board
21 through this proposed stipulation that the time Mr. Tors was
22 surreptitiously obtaining this information he was both
23 employed by the Peppermill and acting within the course and
24 scope of that employment. Lost on the complaint and the
25 proposed stipulation is the status of Mr. Tors. I only say

1 that because I question the status of that.

2 In view of these admissions it is the Board's
3 finding that this was repeated conduct with at least 10
4 other licensees in the northern areas. I would urge the
5 Nevada Gaming Control Board and the Commission, and there is
6 room in the settlement documentation, where as these cases
7 continue -- when I say cases, I think there will be other
8 cases down the pike; at least our case will continue -- as
9 additional information is gleaned through the discovery
10 process, that we will be able to provide that information to
11 the Board, and we will do so, and we will provide that
12 information to the Washoe County District Attorney's Office.
13 So that must not be lost on the proceedings today.

14 We also urge the Commission to focus on not so
15 much what is said in these pleadings but what isn't said in
16 the pleadings. Great care was crafted in the documentation
17 that while Peppermill states in their proposed admissions
18 never did we change the pars, never did we change the pars.
19 Yes, we had our agent, Mr. Tors, go out there and do these
20 things at our direction, but we didn't do anything with the
21 information. We didn't change anything.

22 That's not the focus. The focus cannot be they
23 didn't do anything. The focus is they did it. And the fact
24 that they did it is the issue. That's what can't be lost.

25 And the fact that they did do it is the fact

1 that maybe they didn't have to. And might I suggest -- and
2 I'm not saying I believe that, but we will find that out in
3 discovery -- maybe when they find out, oh, our pars are the
4 same as Circus Circus, our pars are the same as the GSR,
5 therefore, we don't have to change anything. Therein lies a
6 violation of what we believe to be trade secret act.
7 Therein lies the liability on behalf of the Peppermill, on
8 behalf of Mr. Tors, and behalf of others as the discovery
9 continues.

10 So a simple we didn't do anything with the
11 information, I would respectfully request this Commission
12 not to fall into that trap because it is a trap.

13 In this public comment section, again, I'm not
14 here to inflame, I'm just here to say we hurt, we hurt as an
15 industry, we hurt as a casino, we hurt as anybody else who
16 would say that our competitor had a high level executive
17 walk into our casino multiple times, walk into casinos
18 multiple times, and literally take our confidential
19 information. That's wrong. They have admitted wrong. But
20 it's not the end.

21 And with that, I know it is the public section
22 of this agenda, I don't know if it is appropriate if you
23 have any questions for myself or Mr. Rosen or Mr. Johnson.
24 I'm here to answer them. If not, with that, I would close
25 my comments.

1 And again, I truly thank the Board and its
2 agents for acting so quickly on this matter. Thank you very
3 much.

4 CHAIRMAN BERNHARD: Thank you, Mr. Cohen.

5 -oOo-

6 CHAIRMAN BERNHARD: No, I want to see if we can
7 get the public hearing in and go from there. Let's go ahead
8 and call the complaint matter.

9 COMPLAINT(S)

10 FOR POSSIBLE ACTION: Consideration of Settlement Agreement
11 received Settling Complaint filed in the Matter of the STATE
12 GAMING CONTROL BOARD vs. PEPPERMILL CASINOS, INC., dba
13 PEPPERMILL HOTEL & CASINO; WESTER VILLAGE; RAINBOW CLUB AND
14 CASINO; RAINBOW CASINO; and PEPPERMILL INN & CASINO, Case
15 No. 13-23.

16 SECRETARY FRALICK: Mr. Chairman, the next item
17 on the agenda is the consideration of a settlement
18 agreement. This is with regard to the State Gaming Control
19 Board versus Peppermill Casinos, Inc., doing business as the
20 Peppermill Hotel & Casino, Western Village, Rainbow Club and
21 Casino, Rainbow Casino, and Peppermill Inn & Casino. This
22 is Case No. 13-23.

23 CHAIRMAN BERNHARD: For the record, I am going
24 to recuse on this matter. In my other job I represent a
25 client who has business issues with respect to a nongaming
business of a participant in the Peppermill license, and as
such, that matter is still pending, and although I would try

1 my best to be impartial in a subjective sense, I think a
2 reasonable person in my position might be affected by the
3 fact that some of the participants are involved in a
4 nongaming matter that I represent in my private capacity.
5 So I'm going to have to recuse. I'll turn it over to Vice
6 Chair Townsend.

7 COMMISSIONER TOWNSEND: Thank you, Mr.
8 Chairman. If you both state your names for the record, who
9 you represent, and then proceed, please.

10 MR. SOMPS: Thank you, Mr. Vice Chairman,
11 members of the Commission, Madam Secretary. For the record,
12 my name is Mike Soms. I'm with the Attorney General's
13 Office, and I'm here on behalf of the Gaming Control Board.

14 MR. SCHRECK: And I am Frank Schreck,
15 Brownstein Hyatt Farber Schreck, on behalf of the
16 Peppermill.

17 MR. SOMPS: Before you for your consideration
18 today is a proposed settlement between the Board and
19 Peppermill Casinos, Inc. This settlement resolves a
20 complaint that has been filed by the Board against the
21 Peppermill.

22 Now if you would like, with your permission,
23 Mr. Vice Chairman, I'll go ahead and summarize the complaint
24 and the settlement.

25 COMMISSIONER TOWNSEND: Please.

1 MR. SOMPS: Just for some background regarding
2 the complaint, a Peppermill employee by the name of Mr. Ryan
3 Tors was caught back on July 12th of 2013. He was caught
4 using a slot machine reset key at the Grand Sierra Resort to
5 key slot machines at that casino. To be clear, that key did
6 not give him access to the guts of the machines such as the
7 random number generator. However, Mr. Tors was able to
8 obtain theoretical hold percentage information from the
9 machines that he keyed there.

10 Through the Board's investigation of this
11 matter it was discovered that Mr. Tors had engaged in
12 similar activities at a number of other casinos in the
13 Reno-Sparks area and in Wendover. Further, the Board
14 discovered that Mr. Tors wasn't acting necessarily
15 independently. Rather, he was doing it as part of his job,
16 and the management of the Peppermill was aware of, involved
17 and encouraged the conduct.

18 With these facts as background for the
19 complaint, the complaint is structured with three separate
20 counts. The first count is premised on holding the
21 Peppermill responsible for Mr. Tors's conduct in using a key
22 to obtain hold percentage information from slot machines at
23 the Grand Sierra Resort back on July 12th. This is an
24 unsuitable method of conduct and constitutes a violation of
25 463.170, as well as provisions of Regulation 5.

1 The second count is premised on holding the
2 Peppermill responsible for Mr. Tors's conduct of using a key
3 to obtain hold percentage information at at least 10 other
4 casinos over the last at least four year period. Again,
5 this constitutes a similar violation of the statute and the
6 regs.

7 And finally, the third count is premised on
8 holding the Peppermill responsible for the conduct of its
9 management who were aware of Mr. Tors's activities and who
10 asked Mr. Tors to get the theoretical hold percentage
11 information using this reset key. This again is an
12 unsuitable conduct and constitutes a violation of the
13 statute and reg.

14 That is the complaint, those are the counts of
15 the complaint. It is resolved through the settlement, as
16 you can see, with the Peppermill admitting to the
17 allegations of the complaint, and the Peppermill has agreed
18 to pay a fine in the amount of \$1 million.

19 So with that, Mr. Vice Chairman, the Board is
20 seeking the Commission's approval of the settlement today,
21 and I'll answer questions or turn it over to Mr. Schreck.

22 COMMISSIONER TOWNSEND: Questions from the
23 Commission? Commissioner Moran.

24 COMMISSIONER MORAN: Yes, just a brief
25 statement first, and then I do have questions for the

1 attorneys.

2 COMMISSIONER TOWNSEND: Do you want to ask
3 Mr. Soms, or do you want Mr. Schreck to go ahead first?
4 Which would you prefer?

5 COMMISSIONER MORAN: I'm going to have -- if
6 Mr. Schreck has a presentation, he wants to respond to that,
7 that would be fine, and I can wait until you are done with
8 that, Frank.

9 MR. SCHRECK: Yes, Mr. Commissioner, I do have
10 a statement I would like to make. And also I would like to
11 introduce to the Commission, although many of you know him,
12 Mr. Bill Paganetti, who is the president of the Peppermill
13 Casinos, Inc. He is here with us today.

14 My remarks are not intended and they should
15 never be taken as an excuse for the Peppermill's conduct or
16 any diminution in the seriousness of the allegations set
17 forth in the complaint. The Peppermill has acknowledged its
18 conduct was an unsuitable method of operation in violating
19 several statutes, gaming statutes and several Nevada Gaming
20 Commission regulations.

21 In fact, at the outset of the Board's
22 investigation I made it very clear to the Board upon
23 learning the general facts of the case that I believed that
24 the Peppermill's conduct was an unsuitable method of
25 operation and that the Board's investigation would

1 eventually result in a complaint, which it did, and we are
2 here now hoping to resolve that complaint. However, I do
3 believe that an explanation of the facts is appropriate to
4 place this matter in proper context.

5 First of all, what really happened. As
6 Mr. Somps has indicated, Ryan Tors with the knowledge,
7 approval and sometimes the direction of the Peppermill
8 executives used this universal key which you can buy on the
9 Internet, and we all know it is available to the public, to
10 access certain penny video slot machines to discover the
11 specific pars on each of those machines. He then
12 communicated this information by e-mail to various
13 Peppermill executives.

14 This conduct we have already acknowledged is an
15 unsuitable method of operation. But what didn't happen.

16 Number one, the activities of Mr. Tors were not
17 in the nature of criminal conduct. The Board's
18 investigation and evidentiary materials were submitted to
19 the District Attorney's Office in Washoe County for review.
20 That information was reviewed. The District Attorney's
21 Office declined to prosecute the case since in fact no crime
22 had been committed.

23 The Peppermill fully cooperated with the
24 Board's Enforcement Division to produce all of the records,
25 executive computer hard drives and e-mail communications

1 during the periods requested. The Peppermill also made all
2 of its executives available for interviews by the
3 Enforcement Division.

4 The par information obtained by Mr. Tors was
5 never used by the Peppermill to gain a competitive advantage
6 over the other casinos. This stipulation before you
7 confirms the Board's own investigation did not produce any
8 evidence that the par information obtained by Mr. Tors was
9 used to adjust Peppermill casino pars. Every executive
10 interviewed by the Enforcement Division under oath testified
11 that they looked at the information but never utilized it.

12 More importantly, only one person, Mr. Bill
13 Paganetti, could have used this information to gain a
14 competitive advantage. For the past 30 years Mr. Paganetti
15 is the only person that has been authorized to determine
16 what the pars on Peppermill machines would be. He testified
17 that aside from satisfying a curiosity, he disregarded that
18 information.

19 The question that I always received throughout
20 this investigation by everybody that looked at it was, if in
21 fact you knew there was a risk to get this information and
22 that risk has been testified to by the executives of just
23 embarrassment by being caught, maybe being 86ed from the
24 casinos, why did you go about doing that if you weren't
25 going to use it. And the only explanation, and it is a true

1 explanation, is the fact that it was satisfying a curiosity,
2 none of this information was utilized to gain a competitive
3 advantage.

4 There are many, literally thousands of e-mails
5 that were obtained by the investigators in this case. Those
6 e-mails contained the information about the pars being
7 obtained, Mr. Tors's communication of that information to
8 these executives. There is not one word in any of these
9 e-mails indicating any use of this. There is not any
10 e-mails saying let's get together to talk about it. There
11 is no e-mails saying, hey, if we adjust our pars based on
12 this information.

13 There is nothing in any of the thousands of
14 e-mails to indicate that it was ever used. Every executive
15 basically testified the same, they looked at it, it was
16 interesting, and that it was discarded.

17 But as I said before, there is only one
18 executive at the Peppermill who could have ever used this
19 information to gain a competitive advantage, and that is
20 Mr. Bill Paganetti. And he's testified that he didn't use
21 that.

22 Now many of you may know Mr. Paganetti. He has
23 been a licensee for 43 years in this state. He has built
24 from a restaurant the most successful casinos in Northern
25 Nevada. He has never had a single regulatory blemish in his

1 career.

2 This has been the most devastating situation
3 for him that he's ever faced. He is a man of high
4 integrity, and anyone you talk to who knows him will confirm
5 that.

6 To have this happen under his watch and
7 sometimes with his knowledge is to him incomprehensible.
8 What had happened is it was something that executives had
9 told him other people do. Casinos shop one another for all
10 types of information.

11 I heard Ralston's column, his show called it
12 corporate espionage, but really what it is, is people going
13 to everybody else's casino and see if you have a new bar,
14 how successful it is; you have a new bank of machines, how
15 successful are they; if you have promotions, how many people
16 show up to them, they count them. Everybody does that to
17 one another.

18 What happened at the Peppermill is they took
19 this to an unacceptable extent and that they invaded to a
20 certain degree the privacy of these machines by using this
21 key. But as I said before, there was no criminal activity,
22 nor was this information used for a competitive advantage.

23 I can probably get into some examples to
24 explain to you why, aside from what I have already said,
25 that would show that there was no use of this information,

1 but I'll wait for your questions to develop that if you
2 like.

3 COMMISSIONER TOWNSEND: Commissioner Moran.

4 COMMISSIONER MORAN: Well, just some
5 preliminary comments. First, you have to appreciate the
6 Commission, and the Commission has a decision that it has to
7 make, and that is whether or not the complaint and the facts
8 that surround it that your client has admitted to rise to
9 the level of a million dollar settlement. Me as a
10 Commissioner, I'm charged with trying to come to that
11 conclusion as to what are the acts that have been admitted
12 to, how egregious are they, and is the penalty that's been
13 agreed to by the State's attorney and yourself, two fine
14 attorneys that I have the greatest respect for, is that
15 amount sufficient or should it be less or should it be more.
16 Where does revocation of license fit into this.

17 I'm charged with the responsibility on behalf
18 of the State not to just rubber stamp a settlement, and that
19 is why we are here today. I'm charged with the
20 responsibility that if I don't have all the information,
21 such as investigative reports and other things and don't
22 have the benefit of seeing interviews and notes of that, I
23 have to try to make a shoot-from-the-hip judgment on reading
24 the complaint that I think we all agree is quite bad for a
25 licensee. And then reading the stipulation and then trying

1 to come to a conclusion on those documents as to is a
2 million dollars really going to take care of the harm that
3 has happened here, that I'm aware of without the benefit of
4 anything more or anything less that I haven't been provided.

5 It is a tough tough thing to swallow to try to
6 make that decision rather than just saying as a
7 Commissioner, and I'm only one, saying, you know, a million
8 dollars is a lot of money, let's go with it. Maybe it
9 should be less than that. I don't know that.

10 What I do know is that in reading the
11 complaint, I look at the allegations, and Mr. Schreck and
12 Mr. Soms put it in the complaint as to Regulation 5.010 sub
13 (2), that says that the responsibility for the employment
14 and maintenance of suitable method of operation rests with
15 the licensee, and willful or persistent use or toleration of
16 methods of operation deemed unsuitable will constitute
17 grounds for a license revocation. That is what the
18 complaint has that I'm supposed to read and come to a
19 conclusion where the facts that have been admitted to and
20 stipulated to are going to fall under that.

21 And then I look at the background in the
22 complaint and I see the conduct complained of, and I see
23 that an employee wasn't just a wayward rogue employee, but
24 that this matter went on for a period of time, and I see
25 that in the complaint itself it mentions possibly, I don't

1 know, two, three years where this wasn't a rogue employee,
2 but this was an employee that was apprehended and detained,
3 according to the complaint, which is all I have got, where
4 he used a reset key and over a, quote, period of time
5 beginning on at least 2011, in the course and scope of his
6 employment used this reset key to obtain theoretical hold
7 percentage information from slot machines.

8 That troubles me as a Commissioner when that
9 kind of an allegation is admitted because, number one, this
10 tells me this wasn't just a situation where a rogue employee
11 went down and did something wrong with a reset key and got
12 this theoretical information and obtained a competitive
13 advantage for his employer, but that it went on for a period
14 of time. And then I go on and I see what troubles me
15 greatly is that we have numerous other licensees that in
16 fact were the subject of this reset key, and that was
17 improperly used by this employee.

18 And then I get down to paragraph 18 of the
19 complaint and it says the Board's investigation revealed
20 that the Peppermill Casino's management knew of, approved of
21 and directed Mr. Tors's conduct of obtaining theoretical
22 hold percentages information from slot machines of other
23 casinos using a reset key.

24 To me, Mr. Schreck, Mr. Somps, that is very
25 serious. Number one, it is a continuing, ongoing, improper,

1 unlawful, violative of regulations by an employee that
2 according to the complaint admitted to has been directed by
3 management, who knew of that going on for those three years,
4 and directed him to do that. Sounds, without getting into
5 criminal law, sounds conspiratorial, which isn't good.

6 Then you go on in the complaint after you get
7 past the 11 locations that are also licensees who have been
8 subjected to this and you get on over here and you look at
9 the complaint again, because this is what is before me, that
10 I have, and that they failed, the Peppermill Casinos failed
11 to prevent that from occurring. I got trouble with
12 management, licensees's management that condone
13 inappropriate conduct such as outlined in this complaint.

14 And then we get to the stipulation and we have
15 the admissions and all of those things, and then we get over
16 to the part of the stipulation that I really don't care for
17 in the language, just personally, and that is if the Nevada
18 Gaming Commission does not accept the stipulation of
19 settlement, it shall be withdrawn as null and void, and
20 that's all well and good, but it has comments in here that
21 should the Board subsequently come into possession of
22 evidence from any source that the respondent changed the
23 theoretical hold percentages of its slot machines, or
24 altered its operations in any way, to gain a competitive
25 advantage based on it obtaining through Mr. Tors theoretical

1 hold percentage information from other casinos, separate
2 grounds for a subsequent complaint against the respondent
3 will in fact go forward. The Board is free to pursue the
4 complaint.

5 So when I have these things and I don't have
6 the investigative reports, and I see that the parties have
7 reached an agreement where admissions of this type of
8 wrongdoing is admitted to, and I see other licensees over a
9 period of time may have been affected because of creating
10 not a fair and equitable, competitive, fair marketplace
11 because of improper acquisition of information, I'm troubled
12 as a Commissioner. Because I can't say should the fine be
13 more than a million, should there be revocation, should we
14 go to full hearing and say we don't want to have a
15 settlement of this, give us the information we as
16 Commissioners on this Commission should have to determine if
17 a million dollars is fair and equitable and proper for this
18 type of a violation or should it be less. I can't even say
19 if it should be less, should it be half of that.

20 You are asking me to try to take a million
21 dollars agreed to by the parties and given me a complaint
22 and given me a stipulation and not a whole lot more that I
23 can as a Commissioner look at other than to say I put great
24 faith in my staff, my staff being the Board and the people
25 who do such a hardworking job for the State of Nevada that

1 they are going to do what is right, and I put a lot of faith
2 in my own attorney that they are going to do what is right
3 and that this is fair and equitable. But how do I get it in
4 my mind and prove some of this in my own mind so I feel
5 comfortable as a Commissioner stamping this settlement for a
6 million dollars when I don't have much more than a complaint
7 and a stipulation.

8 And we are not dealing with a small matter. We
9 are dealing with something that has been admitted to
10 occurred over three years where it wasn't just a rogue
11 employee, and it's very concerning to me. Those are my
12 initial responses.

13 And I know as one vote up here, that I can very
14 easily just say, okay, fine, a million is fine, let's all go
15 away, but even if I do that, for example, we still have what
16 I found out just -- well, in the public comment today that
17 there is a lawsuit filed by one of the licensee's locations
18 that in fact had been possibly victimized by this unfair
19 competitive advantage that may have been created through
20 this employee over three years being directed by management
21 perhaps of using this reset key to get this information on
22 this person who is now another licensee in the state of
23 Nevada that I'm charged with having to protect as well as
24 the State and the people that live here in gaming.

25 So these are some of the problems that I have.

1 I'm not going to go into the Washoe County DA. I practiced
2 criminal law for 40 years.

3 But all I can tell you is there is a lot of
4 things out there that raise a lot of red flags for me when
5 somebody asks me to approve a million dollar settlement with
6 this set of facts without a lot more to help me do my job
7 fairly. Now having said that, if anybody wants to take a
8 swing at that pitch, I invite that, I would like to hear
9 your comments.

10 (Chairman Bernhard left the meeting.)

11 MR. SCHRECK: I would love to take a swing at
12 it. I understand where you are coming from. That is why it
13 is a million dollar fine.

14 I thought when we first started talking about
15 the fine, that was way too much. The more I thought about
16 it and listened to the Board and tried to view it from the
17 industry side of somebody coming into your casino and doing
18 this, I could understand why that fine was as high as it was
19 going to be.

20 I thought it should be half that, but I was
21 eventually convinced, and so is my client, that the conduct
22 was egregious, it was a violation of privacy.

23 But there was no competitive advantage
24 obtained. This information was never used. There is not
25 one piece of evidence that shows it was used. There is a

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

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

7 Appellant,

8 vs.

9 PEPPERMILL CASINOS, INC., a Nevada
10 corporation, d/b/a/ PEPPERMILL
11 CASINO;

12 Respondent.
13 _____/

Electronically Filed
May 15 2017 03:17 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court No. 70319

District Ct. Case No. CV13-01704

14 **RESPONDENT PEPPERMILL CASINOS, INC.'S**
15 **ANSWERING BRIEF**

16 **APPENDIX VOLUME 2**

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RESPONDENT PEPPERMILL CASINOS, INC.'S ANSWERING BRIEF

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RESPONDENT PEPPERMILL CASINOS, INC.'S ANSWERING BRIEF

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| Trial Exhibit 38 – “Reno Loosest Slots in the USA” Billboard by PM | 01/11/16 | 14 | RA 03284 |
| Trial Exhibit 4 - GSR Billboard Photographs | 01/11/16 | 14 | RA 03260 – 03266 |
| Trial Exhibit 5 – GSR Advertisements – “Loosest Buffalo” | 01/11/16 | 14 | RA 03267 |
| Trial Exhibit 50 - GSR Slot Add Worksheet re: machine location and setting (including par) for certain machines | 01/22/16 | 16 | RA 03832 – 03850 |
| Trial Exhibit 53 – 11/19/14 GSR Website Slots and Video Poker (Loosest Buffalo) | 01/11/16 | 14 | RA 03285 |
| Trial Exhibit 54 – 11/07/14 & 11/17/14 List of games with par settings | 01/11/16 | 14 | RA 03286 |
| Trial Exhibit 56 – Chart of GSR Earning Structure | 01/11/16 | 14 | RA 03287 |
| Trial Exhibit 6 – 2341 Key on EBay | 01/11/16 | 14 | RA 03268 – 03280 |
| Trial Exhibit 73 - Custodian of Records Statement | 01/22/16 | 16 | RA 03851 – 03852 |
| Trial Exhibit 74 – CDC Invoices to GSR | 01/15/16 | 15 | RA 03637 – 03645 |

| | | | |
|--|----------|----|---------------------|
| Trial Exhibit 75 - 05/07/10 CDC Report re: Slot Comp | 01/22/16 | 16 | RA 03853 – 03858 |
| Trial Exhibit 76 - 05/12/10 CDC Report re: Direct Mail | 01/22/16 | 16 | RA 03859 – 03864 |
| Trial Exhibit 77 – 06/2014 CDC Report re: Free Play & Comp Rewards | 01/15/16 | 15 | RA 03646 – 03650 |
| Trial Exhibit 78 – 07/2014 CDC Report re: Direct Mail | 01/15/16 | 15 | RA 03651 – 03700 |
| Trial Exhibit 79 - 08/2014 CDC Report re: Direct Mail | 01/22/16 | 16 | RA 03865 – 03912 |
| Trial Exhibit 8 – 8:51 a.m. Tors Email | 01/11/16 | 14 | RA 03281 – 03282 |
| Trial Exhibit 80 - 09/2014 CDC Report re: Direct Mail | 01/22/16 | 16 | RA 03913 – 03957 |
| Trial Exhibit 81 - 10/2014 CDC Report re: Direct Mail | 01/22/16 | 16 | RA 03958 - 04000 |
| Trial Exhibit 81 - 10/2014 CDC Report re: Direct Mail | 01/22/16 | 17 | RA 04001 – 04006 |
| Trial Exhibit 82 – 11/2014 CDC Report re: Direct Mail | 01/19/16 | 15 | RA 03711 – 03750 |

| | | | |
|---|----------|----|---------------------|
| Trial Exhibit 82 – 11/2014 CDC Report re: Direct Mail (Continued) | 01/19/16 | 16 | RA 03751 – 03757 |
| Trial Exhibit 83 - 12/2014 CDC Report re: Direct Mail | 01/22/16 | 17 | RA 04007 – 04051 |
| Trial Exhibit 84 - 01/2015 CDC Report re: Direct Mail | 01/22/16 | 17 | RA 04052 – 04096 |
| Trial Exhibit 85 - 05/14/14 CDC Contract with GSR (signed by Mimno) | 01/22/16 | 17 | RA 04097 – 04099 |

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 **MOTION FOR TERMINATING SANCTIONS OR, IN THE ALTERNATIVE, MOTION TO COMPEL DISCOVERY**

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
tkinnally@cohenjohnson.com
Attorneys for Plaintiff

MARK GUNDERSON, ESQ.
Gunderson Law Firm
Email: mgunderson@gundersonlaw.com
Attorneys for Defendant Ryan Tors

CLARK V. VELLIS, ESQ.
Cotton, Driggs, Walch, Holley, Woloson & Thompson
Email: 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: dcarus@ag.nv.gov
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 25th day of August, 2014.


V. JAYNE FERRETTO

LIST OF EXHIBITS

| EXHIBIT NO. | DOCUMENT | NO. OF PAGES |
|--------------------|--|---------------------|
| 1 | 8/6/14 letter Robison to Johnson / Kinnally | 4 |
| 2 | 8/12/14 letter Kinnally to Robison | 2 |
| 3 | Certificate Re Nonappearance of Plaintiff – 8/25/14 | 8 |
| 4 | Affidavit of Kent R. Robison | 2 |
| 5 | Partial transcript of Proceedings – 6/26/14 Status Hearing | 5 |
| 6 | Defendant Peppermill Casinos, Inc.'s First Set of Interrogatories to Plaintiff dated 6/4/14 | 16 |
| 7 | Plaintiff's Response to Defendant Peppermill Casino, Inc.'s First Set of Requests for Production of Documents to Plaintiff | 28 |
| 8 | 6/27/14 Court Minutes of 6/26/14 Status Hearing | 3 |
| 9 | 6/27/14 letter Robison to counsel | 2 |
| 10 | Supplemental Amended Notice of Taking Depositions of Plaintiff's Persons Most Knowledgeable Pursuant to NRCP 30(b)(6) | 11 |
| 11 | Declaration of Anthony F. Lucas, Ph.D. | 1 |

EXHIBIT 1

EXHIBIT 1

Attorneys at Law

1000 West 10th Street

Las Vegas, Nevada 89102

Telephone: (702) 399-1100

Facsimile: (702) 399-1101

Web: www.rbsl.com

Mark A. Dierker

Michael A. Dierker

Michael A. Dierker

Michael A. Dierker

Michael A. Dierker

Michael A. Dierker

Michael A. Dierker

August 6, 2014

ORIGINAL VIA FIRST CLASS MAIL

COPY VIA EMAIL: sjohnson@cohenjohnson.com

tkinnally@cohenjohnson.com

H. Stan Johnson, Esq.

Terry Kinnally, Esq.

Cohen-Johnson, LLC

255 E. Warm Springs Road, Suite 100

Las Vegas, NV 89119

Re: GSR v. Peppermill/Tors

Dear Counsel:

We received your "Responses" to our Requests for Production of Documents. The responses are inappropriate and for the most part interpose objections to nearly all of Peppermill's requests for highly relevant and clearly discoverable documents.

The objections are based upon broad and general grounds. The objections are also based upon the claim that the requested documents constitute protected, confidential, and/or proprietary matters. In light of the Confidentiality Agreement we have executed, that is no longer a valid objection.

This is an invitation to meet and confer concerning two discovery disputes now pending. First, GSR has failed and refused to answer interrogatories. Accordingly, since the responses, if ever given would be untimely, objections are not available to GSR. Please respond to the Interrogatories immediately, or we will seek an order compelling discovery.

The second dispute pertains to the improper objections GSR has made to a Request for Production of Documents. Under Nevada law a trade secret is a formula, practice, process, design, or compilation of information that is generally not known or reasonably ascertainable. Par settings on the penny machines that Mr. Tors accessed are generally known, and are reasonably ascertainable. Therefore, we dispute that GSR's par settings on the fifteen penny slot machines involved in this case are trade secrets. Moreover, GSR has made its par settings known to the public, which is another reason why GSR's par settings are not trade secrets.

GSR bases its claim for damages on the Nevada Trade Secrets Act. Despite repeated requests that GSR provide a computation of its damages, GSR has refused to do so. It can only be concluded that GSR has no actual damages because GSR has failed to comply with NRCP 16.1(a).

In open court, GSR has admitted that it cannot show actual loss of revenue or profit because of Mr. Tors' activity. Instead, GSR has stated in open court that it is entitled to damages based upon a "royalty" theory. Other than simply using the word royalty, GSR has provided no documents, discovery, or other required information under NRCP 16.1 that sheds any light on how the royalty is computed or calculated.

Michael A. Dierker

Michael A. Dierker

Michael A. Dierker

Michael A. Dierker

Michael A. Dierker

H. Stan Johnson, Esq.

Terry Kinnally, Esq.

August 6, 2014

Page | 2

We are entitled to know that. We have thoroughly researched GSR's new and innovative theory that it is entitled to royalty. Under the "reasonable royalty" theory, damages can be established by determining the fair market value of the par settings obtained by Tors. *See University Computing Company v. Lykes-Youngstown Corp.*, 504 F.2d 518 (1974). The Peppermill must provide necessary and required information to its experts to make this determination. The information requested in our document request is essential.

Typically, a defendant's profit margins earned on the product allegedly misappropriated, must be considered. To do that, our experts are entitled to the documents that are identified in our Request for Production of Documents. The typical royalty calculation formula under trade secret legislation is based upon a hypothetically bargained for price that is associated with the trade secret at issue. We are unaware of any par settings that have been "sold" or marketed for an agreed-upon price. If this is the approach GSR intends to take, please advise.

We intend to analyze the information requested in the Requests for Production and Responses to Interrogatories to construct our own "reasonable royalty" damage model. Clearly, we are entitled to do so.

As mentioned, we intend to present a reasonable royalty theory of damages. That damage model will show that, contrary to your assertions, GSR is not entitled to any type of royalty damage. The model we intend to present through our expert witnesses (who themselves have done considerable research) requires us to analyze the methodology by which GSR has utilized the par settings, together with its "reinvestment" strategies. Obviously, a par setting has no market value if other marketing strategies and reinvestment strategies diminish the significance of a given par setting or a given machine.

As you know, we are defending a case in which GSR has put an unbelievable value on a seven day delay of mailings. We know GSR has therefore "valued" its reinvestment strategies with various players. With the information requested in our Request for Production of Documents, our experts can then value what GSR has established as the fair market value of par settings on the fifteen machines that have been accessed in this case and compare that to the high value GSR has attributed to its marketing strategies.

The foregoing explanation is preliminary. Our experts know how to calculate a theoretical royalty based upon applicable law. Also, the GSR will have to produce the requested documents so our experts can properly analyze the method by which GSR values its par settings, just as it has already "valued" its reinvestment strategies. We respectfully ask that you consider the foregoing as our meet and confer representations. If you agree with the above analysis, we can talk to determine whether or not there are any specific areas of our requests that should be withdrawn. If you elect not to discuss this matter with us on or before August 11, 2014, we will move forward with a Motion to Compel and for sanctions and fees associated therewith.

H. Stan Johnson, Esq.

Terry Kinnally, Esq.

August 6, 2014

Page | 3

This lawsuit has been pending for nearly one year. GSR has not provided any information, voluntarily or otherwise, which would lead to a reasonable inference that GSR sustained any damages as a result of Mr. Tors' activities. For GSR to simply say that the documents that it needs to establish its damages are in the possession of the Peppermill is circular and self-serving nonsense. The various public documents that have been published since January 1, 2012, show that the GSR's market share is increasing, not decreasing. These public records further reflect that GSR's slot revenue is increasing, not decreasing. These same public documents show that the market share for the Peppermill is decreasing as is its slot revenue. For anyone to suggest that there is a realistic market value for the par settings of fifteen penny slot machines at the GSR, shows an absence of knowledge about slot revenue, marketing plans, and gaming strategies.

Should you have any questions or comments, please do not hesitate to contact me at your earliest convenience. If I do not hear from you, I will consider our meet and confer requirements to have been fulfilled.

Yours very truly,



KENT R. ROBISON

KRR:mcd:jf

cc: Clark Vellis, Esq.

\\WPData\Krr\1872.006-Peppermill-GSR v/L-Johnson Kinnally 7-18-14.docx

Jayne Ferretto

From: Jayne Ferretto
Sent: Wednesday, August 06, 2014 2:14 PM
To: 'sjohnson@cohenjohnson.com'; tkinnally@cohenjohnson.com
Cc: 'Clark V. Vellis'
Subject: GSR v. Peppermill / Tors
Attachments: L-Robison to Johnson.Kinnally.08-06-14.pdf

Dear Counsel:

Attached hereto is Mr. Robison's letter to you of this date, the original of which is being forwarded to you via U.S. Mail.

Thank you.

Jayne Ferretto
Assistant to Kent Robison

EXHIBIT 2

EXHIBIT 2

COHEN | JOHNSON
ATTORNEYS & COUNSELORS AT LAW

H. Stan Johnson, Esq.
sjohnson@cohenjohnson.com
cohenjohnsonlaw.com

255 E. Warm Springs Rd., Suite 100
Las Vegas, Nevada 89119
702-823-3500 tel
702-823-3400 fax

August 12, 2014

Robison, Belaustegui, Sharp, and Low
C/o Kent Robison, Esq.
71 Washington Street
Reno, Nevada 89503

Re: Case No. CV13-01704
Our Client: MEI-GSR

Dear Mr. Robison:

We are in receipt of your letter and are happy to schedule a dispute resolution conference with you. Please provide us with the times and dates you and counsel for Mr. Tors will be available.

We suggest you review the stipulation which provides in Paragraph 17 (iv) (shall be deemed) "to affect in any way the authenticity or admissibility or any document, testimony, or other evidence at the trial. Entry of this Stipulation does not preclude any party from seeking or opposing additional protection for particular information." The existence of the confidentiality agreement does not magically transform irrelevant information to that which is relevant.

It is our position that the protective order filed covers all trade secrets at issue, and that the granting of the order will bar any discovery on these topics and was sufficient objection to the interrogatories filed. It is also our position that the information you seek is irrelevant to GSR's claims against the Peppermill. You are correct in stating that we are seeking damages in the form of a royalty. However you misapprehend the method of calculation for a royalty. According to Black's Law Dictionary a royalty is "a payment reserved by the grantor of a patent, lease of a mine, or similar right and *payable proportionately to the use made of the right by the grantee*. This does not change because Peppermill became a de facto grantee by the theft of the PAR information. As you point out in your letter "Typically a defendant's profit margins earned on the product allegedly misappropriated must be considered" We agree however GSR's information is irrelevant to Defendant Peppermill's profit margins which you now admit is the proper measure of damages.

Peppermill has tacitly admitted that it used the PAR information to track players, strategies used in setting PARs, as well as in the setting of PARS, marketing strategies, player promotions, slot promotions, advertising and auditing of slot machine performance. GSR is entitled to a royalty based on these uses. As soon as Peppermill complies with the disclosure requirements of NRCIP 16.1 GSR will have the material necessary to compute the value that Peppermill derived from its misappropriation.

In order to maximize the conference we will also plan on addressing Peppermill's failure to produce any documents pursuant to NRCP 16.1 since the execution of the confidentiality agreement. We would also like to discuss dates for the depositions of William Paganetti and Billy Paganetti.

We await your response.

Very truly yours,

Terry Kinnally

Terry Kinnally, Esq.

EXHIBIT 3

EXHIBIT 3

Case No. CV13-01704

Dept. No. B7

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

-oOo-

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

-vs-

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).

CERTIFICATE RE NONAPPEARANCE OF
PLAINTIFF'S PERSON MOST KNOWLEDGEABLE
PURSUANT TO NRCP 30(b)(6)

MONDAY, AUGUST 25, 2014

RENO, NEVADA

Reported By: BECKY VAN AUKEN, RMR, CRR, CCR #418
CALIFORNIA CSR #7947

CAPTIONS UNLIMITED OF NEVADA, INC. (775) 746-3534

RA 00262

-oOo- APPEARANCES -oOo-

FOR DEFENDANT PEPPERMILL CASINOS, INC.,
d/b/a PEPPERMILL CASINOS:

ROBISON, BELAUSTEGUI, SHARP & LOW
BY: KENT R. ROBISON, ESQ.
- and -
KEEGAN G. LOW, ESQ.
71 Washington Street
Reno, Nevada 89503

COTTON, DRIGGS, WALCH, HOLLEY, WOLOSON & THOMPSON
BY: CLARK V. VELLIS, ESQ.
800 S. MEADOWS PARKWAY, SUITE 800
RENO, NEVADA 89521

FOR DEFENDANT RYAN TORS:

GUNDERSON LAW FIRM
BY: MARK GUNDERSON, ESQ.
3895 Warren Way
Reno, Nevada 89509

ALSO PRESENT:

RYAN TORS
JAMES STEWART, Paralegal

1 -oOo-

2 RENO, NEVADA, MONDAY, AUGUST 25, 2014, 9:10 A.M.

3 -oOo-

4
5 TRANSCRIPT OF PROCEEDINGS

6
7 -oOo-

8
9 (Exhibit 1 was marked.)

10 MR. ROBISON: This is the time set for the
11 taking of depositions in this matter pursuant to
12 Exhibit 1, which is the Supplemental Amended Notice of
13 Taking Depositions of Plaintiff's Persons Most
14 Knowledgeable Pursuant to NRCP 30(b)(6).

15 This series of depositions was scheduled
16 pursuant to a hearing held with Judge Flanagan on
17 June 26th, 2014. The 30(b)(6) deposition process was
18 discussed with Judge Flanagan on that date in June,
19 and the plaintiff, through Ms. Kinnally, expressed an
20 objection to the format of the 30(b)(6) deposition
21 notice, those depositions then being scheduled for
22 July 10th. She complained that specific times for
23 specific witnesses were not set forth in the notice.

24 That problem was discussed before Judge
25 Flanagan, and we agreed to amend and supplement our

1 notice to reflect specific times for specific dates of
2 all of the topics set forth on Exhibit 1 of the
3 notice, which has been marked as Exhibit 1 to this
4 certification of nonappearance.

5 Today we're scheduled to take the
6 plaintiff's person most knowledgeable for item No. 1
7 on Exhibit 1 to Exhibit 1 at 9:00 a.m., and we're to
8 follow the rest of the day to examine the person most
9 knowledgeable about topic No. 2 at 10:00 a.m., topic
10 No. 3 at 11:00 a.m., topic No. 4 at 1:00 p.m., top
11 No. 5 at 2:00 p.m., topic No. 6 at 3:00 p.m., and
12 topic No. 7 at 4:00 p.m. today, Monday, August 25th,
13 2014. The remaining topics were to be covered later
14 this week, Tuesday, Wednesday, and Thursday,
15 respectively.

16 It is now past 9:00 a.m. We have received
17 no word from the plaintiff or the plaintiff's counsel
18 that they were not going to be showing up to today's
19 deposition even though they agreed to schedule these
20 30(b)(6) depositions for mid-August. And that
21 concession was made at the June 26th hearing before
22 Judge Flanagan where Mr. Gunderson insisted that there
23 be a specific date to proceed with the 30(b)(6)
24 depositions, and it was agreed then that we would
25 specify specific dates and specific times for each of

1 the PMK witnesses.

2 At that time the Court indicated that it
3 wanted the 30(b)(6) depositions that we're here for
4 today set in mid-August, and on page 18 of the
5 transcript of the hearing, June 26th, 2014, hearing,
6 Ms. Kinnally, on behalf of the plaintiffs, indicated
7 that that would be fine.

8 Based upon Ms. Kinnally's specific
9 representations to the Court, we filed and served the
10 Supplemental Amended Notice of Taking Depositions of
11 Plaintiff's Persons Most Knowledgeable Pursuant to
12 NRCP 30(b)(6) on July 3rd, 2014, scheduling the
13 30(b)(6) depositions for today, Tuesday, Wednesday,
14 and Thursday.

15 No one has appeared on behalf of the
16 plaintiff.

17 The record should reflect that Mr. Tors is
18 available with his attorney, Mark Gunderson.
19 Co-counsel Keegan Low and Clark Vellis are here on
20 behalf of defendant Peppermill. We're prepared for
21 those depositions, and no one has appeared,
22 notwithstanding the fact that last week we exchanged
23 meet and confer letters on other discovery requests to
24 which the plaintiff has not responded. And in the
25 response received by the plaintiff's counsel on

1 August 12th, 2014, the plaintiff has taken the
2 position that it won't produce documents, that it
3 won't answer interrogatories, and, as today,
4 apparently won't produce witnesses in accordance with
5 an appropriate notice.

6 We would therefore ask that a Certificate
7 of Nonappearance be prepared so that we can attach
8 that to our motion to compel and for terminating
9 sanctions.

10 That's all I have on behalf of Peppermill.

11 MR. GUNDERSON: I would only add that on
12 June 27th, 2014, the Court entered an order, an
13 amended order, that the depositions be rescheduled to
14 the week of August 18th, 2014. So this is a
15 nonappearance not only on a noticed deposition but one
16 that was ordered by the Court subject to, of course,
17 the accommodation that Mr. Robison has made on behalf
18 of the GSR. And I would join in the soon-to-be-filed
19 motion.

20 MR. ROBISON: Although the Court indicated
21 that 30(b)(6) depositions should proceed on
22 August 18th, I later discovered that I had a conflict
23 and sent out the amended notice for August 25th, and
24 we received no objections from the plaintiff or any
25 other attorney in this case.

1 MR. GUNDERSON: The only point I'm trying
2 to make is that, to be clear, these are Court-ordered
3 depositions subject to your changes that were made, to
4 which there was no objection.

5 MR. ROBISON: Agreed. We're making this
6 record about the plaintiff's nonappearance on the
7 assumption that they're not going to show the rest of
8 the day, that they're not going to show Tuesday,
9 Wednesday, or Thursday of this week to produce persons
10 most knowledgeable. And in the event they show up, we
11 will proceed with the depositions as noticed and
12 scheduled.

13 MR. GUNDERSON: Nothing further.

14 (Proceedings concluded.)
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25

1 STATE OF NEVADA)

2) ss.

3 COUNTY OF WASHOE)

4 I, BECKY VAN AUKEN, a Certified Court
5 Reporter in and for the County of Washoe, State of
6 Nevada, do hereby certify:

7 That on the 25th day of AUGUST, 2014, at
8 the offices of Robison, Belaustegui, Sharp & Low,
9 71 Washington Street, Reno, Nevada, I personally
10 appeared to report the deposition of PLAINTIFF'S
11 PERSON MOST KNOWLEDGEABLE PURSUANT TO NRCP 30(b)(6);

12 That said transcript of proceedings was
13 taken in verbatim stenotype notes by me, a Certified
14 Court Reporter, and thereafter transcribed into
15 typewriting as herein appears;

16 That the foregoing transcript, consisting
17 of pages 1 through 7, is a full, true and correct
18 transcription of my stenotype notes of said
19 proceedings to the best of my knowledge, skill and
20 ability.

21 Dated at Reno, Nevada, this 14th day of
22 AUGUST, 2014.

23 
24 BECKY VAN AUKEN, CCR #418
25

EXHIBIT 4

EXHIBIT 4

**AFFIDAVIT OF KENT R. ROBISON IN SUPPORT OF
MOTION FOR TERMINATING SANCTIONS OR, IN THE ALTERNATIVE,
MOTION TO COMPEL DISCOVERY**

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 co-counsel of record for the Defendant Peppermill Casinos, Inc. d/b/a Peppermill Casino.

2. Attached as **Exhibit 1** is a true and accurate copy of my letter dated August 6, 2014, to H. Stan Johnson, Esq. and Terry Kinnally, Esq.

3. Attached as **Exhibit 2** is a true and accurate copy of Terry Kinnally's letter to me dated August 12 2014.

4. Attached as **Exhibit 3** is a true and accurate copy of the Certificate re Nonappearance of Plaintiff's Person Most Knowledgeable Pursuant to NRCP 30(b)(6) of Monday, August 25, 2014, in the above-entitled action.

5. Attached as **Exhibit 5** is a true and accurate copy of pages 1, 8, 9, 10 and 19 of the transcript of proceedings of the Status Hearing held on June 26, 2014, in the above-entitled action.

6. Attached as **Exhibit 6** is a true and accurate copy of the Defendant Peppermill Casinos, Inc.'s First Set of Interrogatories to Plaintiff dated June 4, 2014, in the above-entitled action.

7. Attached as **Exhibit 7** is a true and accurate copy of Plaintiff's Response to Defendant Peppermill Casino, Inc.'s First Set of Requests for Production of Documents to Plaintiffs dated July 16, 2014, in the above-entitled action.

8. Attached as **Exhibit 8** is a true and accurate file-stamped copy of the Court's Minutes filed June 27, 2014, of the status hearing held on June 26, 2014, in the above-entitled action.

9. Attached as **Exhibit 9** is a true and accurate copy of my letter dated June 27, 2014, to attorneys Terry Kinnally, Mark Gunderson and Clark V. Vellis.

1 10. Attached as **Exhibit 10** is a true and accurate file-stamped copy of Defendant
2 Peppermill's Supplemental Amended Notice of Taking Depositions of Plaintiff's Persons Most
3 Knowledgeable Pursuant to NRCP 30(b)(6) dated July 3, 2014, in the above-entitled action.

4 11. Attached as **Exhibit 11** is a true and accurate copy of the Declaration of Anthony F.
5 Lucas, Ph.D. dated August 22, 2014.

6 12. None of the Plaintiff's lawyers has suggested or stated that the Stipulated Protective
7 Order and Order Thereon constitute an objection to discovery. The Confidentiality Agreement is
8 intended to protect discovery not prevent discovery.

9 13. The Plaintiff's counsel never informed me, or to my knowledge any of the defense
10 counsel, that the GSR would not produce witnesses for the depositions scheduled for August 25,
11 26, 27 and 28, 2014.

12 14. I have requested GSR to inform the Peppermill with some degree of specificity
13 and/or particularity exactly what documents GSR thinks that the Peppermill has that should be
14 produced under NRCP 16.1. I have invited GSR to serve requests for production of documents on
15 the Peppermill. The GSR has never indicated what documents or what information it thinks the
16 Peppermill has that should be produced under NRCP 16.1(a)(1)(B).

17 DATED: This 25TH day of August, 2014.

18
19
20 
KENT R. ROBISON

21
22 Subscribed and Sworn to Before
23 me this 25TH day of August, 2014,
24 by Kent R. Robison.

25 
NOTARY PUBLIC

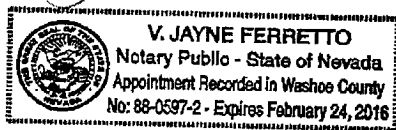


EXHIBIT 5

EXHIBIT 5

1 4185
2 STEPHANIE KOETTING
3 CCR #207
4 75 COURT STREET
5 RENO, NEVADA
6

7 IN THE SECOND JUDICIAL DISTRICT COURT
8 IN AND FOR THE COUNTY OF WASHOE
9 THE HONORABLE PATRICK FLANAGAN, DISTRICT JUDGE

10 --oOo--

| | | |
|---------------------------|---|---------------------|
| 11 MEI-GSR HOLDINGS, |) | |
| |) | |
| 12 Plaintiffs, |) | |
| |) | |
| 13 vs. |) | Case No. CV13-01704 |
| |) | |
| 14 PEPPERMILL CASINOS, et |) | Department 7 |
| 15 al., |) | |
| |) | |
| 16 Defendants. |) | |

17
18 TRANSCRIPT OF PROCEEDINGS

19 STATUS HEARING

20 June 26th, 2014

21 1:15 p.m.

22 Reno, Nevada

23
24 Reported by: STEPHANIE KOETTING, CCR #207, RPR
Computer-Aided Transcription

1 focus the discovery, which should have been produced long ago
2 under 16.1 by the Peppermill, but because they have produced
3 no substantive documents and no privilege log as to why they
4 won't produce those documents.

5 We filed a motion to get records directly from the
6 gaming board, because we're concerned that the gaming board
7 may have obtained information from nonparties that may be
8 privileged. That's our recommendation that the gaming board
9 records, before they be produced to us, be reviewed by a
10 special master to make sure that trade secrets of other
11 parties are not inadvertently disclosed.

12 As to the issue on the confidentiality for the
13 trade secrets, our position is, quite frankly, Mr. Tors came
14 on to our property and took pars. That's the issue in the
15 case. Plaintiff says, our trade secrets, our marketing plans
16 are irrelevant to those issues that -- and that the
17 defendants' request for our marketing plans from 2009 to the
18 present, our pars on all slot machines from 2009 to the
19 present are totally inappropriate.

20 If he says his experts need this information, then
21 I would recommend we have a hearing under our motion for
22 protective order under NRS 600A.070 where the Court
23 determines the need for any information related to the trade
24 secrets before allowing discovery. I have received no letter

1 identifying any experts or explaining the theory under which
2 they need this trade secret information in this matter.

3 Our damages are based on the statute, unjust
4 enrichment and royalties. I don't know why our trade secrets
5 are relevant to those issues. And I think that GSR as the
6 plaintiff and as the victimized party in this matter
7 shouldn't have to disclose our trade secrets, because the
8 party who has already misappropriated our trade secrets says
9 they need them without any justification or explanation.

10 THE COURT: All right. Thank you, counsel.

11 MR. ROBISON: May I respond?

12 THE COURT: Yes, Mr. Robison.

13 MR. ROBISON: The complaint reads that we violated
14 a criminal trade secret act for which there is no civil
15 remedy. Now, we know what they mean. We know they meant to
16 sue under the civil remedy.

17 THE COURT: Just move the microphone a little bit
18 closer to you so Ms. Kinnally can hear. Go ahead, sir.

19 MR. ROBISON: So the complaint, as best we can
20 discern, says this, Mr. Tors acting within the scope of his
21 employment used a master key to gain access to six penny
22 slots at the GSR on July 13th, 2013. Now, we know that's not
23 the only incident. So we have filed the motion to amend our
24 complaint to show the actual dates of other visits by

1 Mr. Tors to the GSR property. And there's two other dates
2 that precede the one in which the Gaming Control Board
3 investigated.

4 With that in mind, they said, we have been damaged
5 in excess of \$10,000, one, and, two, we're entitled to
6 punitive damages. What is the damage? There is no royalty
7 provision under the trade secret act and the other -- pardon
8 me? The royalty theory on this case, your Honor, is exactly
9 what our experts want to look at. So we need their
10 information.

11 They say they lost money. Did they lose customers
12 because of this keying? Did they lose money from their drop
13 from this keying activity? Or now they're saying, wait a
14 minute, we were damaged in an amount in excess of \$10,000 for
15 unjust enrichment, but they have not pled unjust enrichment.
16 If they want to bring that on, okay, that's going to reframe
17 things. That means that we're not only going to be asking
18 for, did the GSR sustain damages? And the next issue is, was
19 the Peppermill unjustly enriched?

20 Then we have to sit down. We say this
21 confidential information, what you claim is confidential is
22 needed by the plaintiff's expert. She says we haven't
23 designated experts. That's not due until March. But our
24 experts need the material so that they can disclose in March

1 STATE OF NEVADA)
) ss.
2 County of Washoe)

3 I, STEPHANIE KOETTING, a Certified Court Reporter of the
4 Second Judicial District Court of the State of Nevada, in and
5 for the County of Washoe, do hereby certify;

6 That I was present in Department No. 7 of the
7 above-entitled Court on June 26, 2014, at the hour of 1:15
8 p.m., and took verbatim stenotype notes of the proceedings
9 had upon the status hearing in the matter of MEI-GSR
10 HOLDINGS, Plaintiff, vs. PEPPERMILL CASINOS, et al.;
11 Defendants, Case No. CV13-01704, and thereafter, by means of
12 computer-aided transcription, transcribed them into
13 typewriting as herein appears;

14 That the foregoing transcript, consisting of pages 1
15 through 19, both inclusive, contains a full, true and
16 complete transcript of my said stenotype notes, and is a
17 full, true and correct record of the proceedings had at said
18 time and place.

19
20 DATED: At Reno, Nevada, this 21st day of August 2014.

21
22 S/s Stephanie Koetting
23 STEPHANIE KOETTING, CCR #207
24

EXHIBIT 6

EXHIBIT 6

DISCOVERY

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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 CORPORAITONS I-X,

Defendant(s).

**DEFENDANT PEPPERMILL CASINOS, INC.'S
FIRST SET OF INTERROGATORIES TO PLAINTIFF**

TO: PLAINTIFF MEI-GSR HOLDINGS, LLC, d/b/a GRAND SIERRA RESORT:

Defendant, Peppermill Casinos, Inc. ("Peppermill"), pursuant to Rule 33 of the Nevada

Rules of Civil Procedure, request that Plaintiff, MEI-GSR Holdings, LLC, d/b/a Grand Sierra Resort ("Plaintiff"), respond to the following interrogatories in writing, in detail, and under oath within thirty (30) days of service hereof.

NOTE: When used in these Interrogatories, the terms "you" or "Plaintiff", are intended to and shall embrace and include all Plaintiffs herein, counsel for Plaintiff, and all agents, servants, employees, representatives, investigators and others who are in possession of or who may have obtained information for or on behalf of Plaintiff.

PRELIMINARY DEFINITIONS AND INSTRUCTIONS

The following preliminary definitions and instructions apply to each of the interrogatories set forth hereafter and are deemed to be incorporated therein.

1. As used in these interrogatories, the terms "document" and "writing" and the plural forms thereof shall mean all written, recorded, or graphic matters, however produced or reproduced, of every kind and description, pertaining in any way to the subject matter of this action. The terms "document" and "writing" shall include, but are not limited to, any books, pamphlets, periodicals, memoranda (including those of telephone or oral conversations), contracts, correspondence, agreements, applications, financial records, security instruments, disbursements, checks, bank statements, time records, accounting or financial records, notes, diaries, logs, telegrams, or cables prepared, drafted, received or sent, tapes, transcripts, recordings, minutes of meetings, directives, work papers, charts, drawings, prints, flow sheets, photographs, films, computer printouts, medical and hospital records and reports, x-ray photographs, advertisements, catalogs, or any handwritten, recorded, transcribed, punched, taped, filmed or graphic matter, however produced or reproduced, in Plaintiff's possession, custody or control or to which Plaintiff has or has had access.

2. As used throughout these interrogatories, the term "you", its plural or any synonym thereof, is intended to and shall embrace and include in addition to the named party or parties, counsel for such party or parties, and all agents, servants, employees, representatives, investigators, and others who are in the possession of or who may have obtained information for or on behalf of the named party or parties.

1 3. As used throughout these interrogatories, the term "person", or its plural or any
2 synonym thereof, is intended to and shall embrace and include any individual, partnership,
3 corporation, company, association, government agency (whether federal, state, local, or any agency
4 of the government of a foreign country) or any other entity.

5 4. As used throughout these interrogatories, the term "communication", its plural or
6 any synonym thereof, is intended to and shall embrace and include all written communications,
7 and with respect to all written communications, shall include but is not limited to every discussion,
8 conversation, conference, meeting, interview, telephone call or doctor or other professional service
9 visit.

10 5. (a) As used throughout these interrogatories, the terms "identify" or
11 "identification", their plural or synonyms thereof, when used with reference to a person shall
12 mean to state the full name and address, and where applicable, the present position and business,
13 if known, and each prior position and business.

14 (b) As used throughout these interrogatories, the terms "identify", "identity" or
15 "identification", their plural or synonyms thereof, when used with reference to a document mean to
16 state:

17 (i) The general nature of the document or object, i.e., whether it
18 is a letter, a memorandum, a report, a drawing, a chart or tracing, a
19 pamphlet, etc.;

20 (ii) The general subject matter of the document or object;

21 (iii) The name and current or last known business address and
22 home address of the original author or draftsman (and, if different,
23 the signor or signors), and of any person who has edited, corrected,
24 revised or amended, or who has entered any initials or comment or
25 notation thereon;

26 (iv) The date thereof, including any date of any such editing,
27 correcting, amending or revising;
28

1 (v) Any numerical designation appearing thereof, such as a file
2 reference;

3 (vi) The name of each recipient of a copy of the document or
4 object; and

5 (vii) The place where and the person now having custody or
6 control of each of such document or object, or if such document or
7 object has been destroyed, the place of and reasons for such
8 destruction.

9 (c) As used throughout these interrogatories, the terms "identify", "identity"
10 and "identification", when used in reference to a communication, mean to state with respect to
11 each communication, the nature of the communication (telephone call, letter, etc.), the date of the
12 communication, the persons who were present at or participated in the communication or with, to
13 or from whom the communication was made, and the substance of the statement made by each
14 person involved in such communication.

15 (d) As used throughout these interrogatories, the term "the machines" mean
16 those machines at Plaintiff's premise, which are specifically identified by Plaintiff in paragraph 16
17 of its Complaint for Damages in this case and further specifically identified as machines numbers
18 951, 440, 855, 486, 1646 and 20042 as described in said paragraph 16 of Plaintiff's Complaint.

19 6. All information is to be divulged which is in Plaintiff's possession or control, or
20 can be ascertained upon reasonable investigation or areas within your control. The knowledge of
21 Plaintiff's attorney is deemed to be Plaintiff's knowledge, so that, apart from privileged matters, if
22 Plaintiff's attorney has knowledge of the information sought to be elicited herein, said knowledge
23 must be incorporated into these answers, even if such information is unknown to Plaintiff
24 individually.

25 7. Whenever you are unable to state an answer to these interrogatories based upon
26 your own personal knowledge, please so state, and identify the person or persons you believe to
27 have such knowledge, what you believe the correct answer to be, and the facts upon which you
28 based your answer.

1 8. Where an interrogatory calls for an answer in more than one part, each part should
2 be separated so that the answer is clearly understandable.

3 9. Each interrogatory should be construed independently. No interrogatory should be
4 construed by reference to any other interrogatory if the result is a limitation of the scope of the
5 answer to such interrogatory.

6 10. "And" and "or" shall be construed disjunctively or conjunctively as necessary, in
7 order to bring within the scope of the interrogatory all responses which might otherwise be
8 construed to be outside of its scope.

9 11. If an interrogatory is objected to, in whole or in part, or if information responsive to
10 an interrogatory is withheld, on the ground of privilege or otherwise, please set forth fully each
11 object, describe generally the information which is withheld, and set forth the facts upon which
12 Plaintiff relies as the basis for each such objection.

13 12. Pursuant to the Nevada Rules of Civil Procedure, you shall supplement your
14 responses according to the following:

15 (a) A party is under a duty seasonably to supplement his response with respect
16 to any question directly addressed to, (a) the identity and location of persons having knowledge of
17 discoverable matters and, (b) the identity of each person expected to be called as an expert witness
18 at trial, the subject matter on which he is expected to testify, and the substance of his testimony.

19 (b) A party is under a duty seasonably to amend a prior response if he obtains
20 information upon the basis of which (a) he knows that the response was incorrect when made, or
21 (b) he knows that the response though correct when made is no longer true and the circumstances
22 are such that a failure to amend the response is in substance a knowing concealment.

23 INTERROGATORIES

24 INTERROGATORY NO. 1:

25 Please describe in detail any and all damages you assert were, are, or will be suffered by
26 you by reason of the activity of Defendant Peppermill or its agents, as further described in the
27 Complaint, which activity allegedly occurred on July 12, 2013.

28 ///

1 **INTERROGATORY NO. 2:**

2 With regard to your answer to interrogatory no. 1 above, please provide the following
3 specific information:

- 4 a. The specific manner in which the alleged damages have or will be incurred.
- 5 b. The specific amount of damages attributable to the acts of Defendant or its agent.
- 6 c. The specific amount of damages incurred by each of "the machines."
- 7 d. All persons with knowledge of facts relevant to Plaintiff's alleged damages.
- 8 e. The specific knowledge that each individual identified has with regard to Plaintiff's
9 damages and how each individual came by that knowledge.
- 10 f. Identify all communications or documents which support or relate to the damages
11 claimed herein.

12 **INTERROGATORY NO. 3:**

13 If they differ, please describe in detail the nature and extent of damages suffered by you, as
14 a result of the activities of Defendant Peppermill, separate and distinct from the alleged damages
15 caused by Defendant Ryan Tors.

16 **INTERROGATORY NO. 4:**

17 Please provide all information and facts which support your allegation that Defendant Ryan
18 Tors was acting within the course and scope of his employment at the time of his conduct at the
19 GSR, as described in the Complaint on file.

- 20 a. Please identify all persons who have knowledge of these facts.
- 21 b. Please identify all documents and communications relevant to this claim.

22 **INTERROGATORY NO. 5:**

23 If you allege Defendant Peppermill gained an economic benefit of any kind by reason of
24 the actions of Defendant Ryan Tors, please list in detail all such economic benefit derived by
25 Defendant Peppermill including:

- 26 a. The factual basis for that benefit;
- 27 b. The amount of that benefit;
- 28 c. The identity of any persons who has knowledge of facts in support of such

1 allegations, whether employed by Plaintiff or not.

2 d. Please identify all documents and communications which support such a claim.

3 **INTERROGATORY NO. 6:**

4 Please describe in detail all facts which you allege support your allegation in your
5 Complaint that Defendant Peppermill "...ratified the conduct, ..., of its said employee" (Plaintiff's
6 Complaint, ¶3.

7 a. Please identify all persons with knowledge of facts relevant to this claim.

8 b. Please identify all documents and communications relevant to this claim.

9 **INTERROGATORY NO. 7:**

10 Please describe in detail the manner in which Plaintiff GSR tracks players of slot machines
11 at its property, for the time period from January 1, 2009, to and including the present, and further
12 describe as follows:

13 a. The slot player tracking systems utilized by GSR from January 1, 2009 to the
14 present;

15 b. The identity of persons who have knowledge about the operation of the slot player
16 tracking systems utilized by Plaintiff from January 1, 2009 to the present.

17 c. Please identify all documents and communications relevant to the matters described
18 in this interrogatory.

19 d. Please describe in detail how the alleged activities of Defendant Ryan Tors
20 impacted, either negatively or positively, the ability of GSR to track players of slot machines at its
21 property or any other impact, financial or otherwise, caused by Defendant Ryan Tors' actions.

22 **INTERROGATORY NO. 8:**

23 Please describe in detail the manner in which Plaintiff GSR tracks the play of each slot
24 machine on the floor of GSR, or utilized by GSR, for the period of time from January 1, 2009 to
25 the present, and further describe as follows:

26 a. How the alleged activities of Defendant Ryan Tors impacted, either positively or
27 negatively, the ability of Plaintiff to track the play of each slot machine at its property during the
28 time period referenced.

1 b. The identity of persons who have knowledge as to these matters referenced in this
2 interrogatory.

3 c. Please identify all documents and communications relevant to the matters
4 referenced in this interrogatory.

5 **INTERROGATORY NO. 9:**

6 Please describe the PAR settings for "the machines" on July 12, 2013, and further describe
7 as follows:

8 a. Whether the PAR settings for "the machines," or each of them, were changed by
9 reason of the activity of Defendant Ryan Tors or the Peppermill. If you answer to this
10 interrogatory is in the affirmative, please explain the reasons for the changes and the financial
11 impact upon GSR by reason of these changes.

12 b. Also, please identify all persons who have knowledge of facts relevant to these
13 matters.

14 c. Also, please identify all documents and communications relevant to this claim.

15 **INTERROGATORY NO. 10:**

16 Please list the PAR settings for each and every slot machine utilized by GSR at its property
17 for a period of time from January 1, 2009 to the present, and any changes made to the PAR setting
18 of those machines from January 1, 2009 to the present.

19 With regard to your answer to this interrogatory, please also provide:

20 a. The identity of all persons who have knowledge of facts relevant to these matters.

21 b. The identity of all documents and communications relevant to this claim.

22 **INTERROGATORY NO. 11:**

23 Please describe in detail the business strategies employed and considered by the GSR in
24 setting the PARs for "the machines", and all slot machines utilized by GSR from January 1, 2009
25 to the present.

26 With regard to your answer to this interrogatory, please also provide:

27 a. The identity of all persons who have knowledge of facts relevant to the matters
28 described above.

1 b. Please identify all documents and communications relevant to the response to this
2 interrogatory.

3 **INTERROGATORY NO. 12:**

4 Please provide and list the names and addresses of each and every slot customer of GSR
5 who, since July 12, 2013, played slot machines at the Peppermill as a result of the activities of
6 Ryan Tors as described in the Complaint on file in this matter.

7 With regard to your answer to this interrogatory, please also provide:

8 a. The dates and times of the slot machine play of the individual at the Peppermill as a
9 result of the activities of Ryan Tors as described in the Complaint on file and, the specific basis
10 upon which the customer made the decision to switch properties for slot playing purposes.

11 b. Please identify all persons with knowledge of facts relevant to this claim.

12 c. Please identify all documents and communications relevant to this claim.

13 **INTERROGATORY NO. 13:**

14 Please describe in detail the facts known to you regarding the use the Peppermill made of
15 the information obtained by Ryan Tors on July 12, 2013. With regard to your answer to this
16 interrogatory:

17 a. Please also provide the identity of persons who have knowledge of facts relevant to
18 this claim.

19 b. Please identify all documents and communications relevant to these facts.

20 **INTERROGATORY NO. 14:**

21 Please describe in detail GSR's marketing plans, promotions, programs or marketing
22 strategies to attract slot play customers to play slot machines at GSR, for the time period from
23 January 1, 2009 to the present. With regard to your answer to this interrogatory:

24 a. Please also provide the identity of all persons who have knowledge of the facts
25 relevant to these matters.

26 b. Please identify of all documents and communications relevant to these matters.

27 **INTERROGATORY NO. 15:**

28 Please describe in detail the policy, procedure and manner of usage by GSR of master key

1 2341 on "the machines," or any of the machines at GSR, or at any other casino property from
2 January 1, 2009 to the present. With regard to your answer to this interrogatory:

3 a. Please also provide the identity of all persons who have knowledge of facts relevant
4 to these matters.

5 b. Please identify all documents and communications relevant to these matters.

6 **INTERROGATORY NO. 16:**

7 Please describe in detail all policies, procedures and efforts made by GSR to preserve and
8 protect the secrecy and alleged confidentiality of the PAR settings on all slot machines utilized by
9 GSR during the years 2009, through and including the present. With regard to your answer to this
10 interrogatory:

11 a. Please also provide the identity of all persons who have knowledge of facts relevant
12 to these matters.

13 b. Please identify of all documents and communications relevant to these matters.

14 **INTERROGATORY NO. 17:**

15 Please describe in detail the player tracking information and slot performance of "the
16 machines" from January 1, 2009 to the present. With regard to your answer to this interrogatory:

17 a. Please also provide the identity of all persons who have knowledge of facts relevant
18 to these matters.

19 b. Please identify all documents and communications relevant to these matters.

20 **INTERROGATORY NO. 18:**

21 Please identify with as much specificity as possible specific customers or patrons who
22 played or continue to play "the machines", from January 1, 2009 to the present.

23 a. With regard to your answer to this interrogatory, please also provide the identity of
24 all persons who have knowledge of facts relevant to these matters.

25 b. Please identify all documents and communications relevant to the matters described
26 above.

27 **INTERROGATORY NO. 19:**

28 Please describe in detail any and all statements, written or oral, made by Ryan Tors on the

1 GSR property on July 12, 2013, and include the content of same.

2 a. Also, please identify to whom the statement or statements were made.

3 b. With regard to your answer to this interrogatory, please provide the identity of all
4 persons who have knowledge of facts relevant to the matters described.

5 c. Please identify any and all documents and communications relevant to the matters
6 described above.

7 **INTERROGATORY NO. 20:**

8 Please describe in detail the specific nature and type of information obtained, and data
9 accessed, by Ryan Tors at the GSR on July 12, 2013. With regard to your answer to this
10 interrogatory:

11 a. Please also provide the identity of all persons who have knowledge of facts relevant
12 to the information, data or diagnostics obtained by Ryan Tors at the GSR on July 12, 2013.

13 b. The identity of all documents and communications relevant to the matters described
14 above.

15 **INTERROGATORY NO. 21:**

16 Please describe and list all written, oral or electronic communications between GSR and
17 other gaming properties in Washoe County, concerning the activity of Ryan Tors as described in
18 GSR's Complaint, since July 12, 2013 to the present. With regard to your answer to this
19 interrogatory:

20 a. Please identify all persons who have knowledge of facts relevant to these matters
21 described above;

22 b. Please identify all documents and communications relevant to the matters described
23 above.

24 **INTERROGATORY NO. 22:**

25 Please describe in detail the "independent economic value" of the information obtained by
26 Ryan Tors on July 12, 2013 and the basis for such opinion. With regard to your answer to this
27 interrogatory:

28 a. Please also provide the identity of all persons who have knowledge of facts relevant

1 to this contention/opinion.

2 b. Please identify all documents and communications relevant to the matters described
3 above.

4 **INTERROGATORY NO. 23:**

5 Please describe and provide all facts which serve as a basis for GSR's allegation that the
6 Peppermill will "likely continue to misappropriate trade secrets" of the GSR. With regard to your
7 answer to this interrogatory:

8 a. Please identify all persons who have knowledge of facts relevant to this contention.

9 b. Please identify all documents and communications related in any manner to this
10 contention.

11 **INTERROGATORY NO. 24:**

12 Please describe and provide all facts which serve as a basis for GSR's allegation that the
13 Peppermill intended to financially harm GSR by the actions of Defendant Ryan Tors on July 12,
14 2013. With regard to your answer to this interrogatory:

15 a. Please identify all persons who have knowledge of facts relevant to this contention.

16 b. Please identify all documents and communications related in any manner to this
17 contention.

18 **INTERROGATORY NO. 25:**

19 Please identify all investigative reports generated by GSR concerning the activities of Ryan
20 Tors at the GSR on July 12, 2013, and include the report's author, its content, current location and
21 custodian.

22 **INTERROGATORY NO. 26:**

23 Please describe in detail the slot machine performance data for each slot machine at the
24 GSR, on a monthly basis, for the time period from January 1, 2009 to the present.

25 a. Also, for each slot machine at GSR, on a monthly basis and from January 1, 2009,
26 to the present, include for each slot machine the following specific information:

27 i. Machine Number;

28 ii. Machine Location;

- 1 iii. Manufacturer;
2 iv. Game Type;
3 v. Game Name;
4 vi. Coin Denomination;
5 vii. State date for machine;
6 viii. End date for machine;
7 ix. Machine PAR %;
8 x. Cash In;
9 xi. Cash Out;
10 xii. Net Win;
11 xiii. Cash Played;
12 xiv. Cash Won;
13 xv. Theo Cash Won;
14 xvi. Actual Payout %;
15 xvii. Theo Payout %;
16 xviii. Win per Day;
17 xix. Theo Win Day;
18 xx. Actual Win %; and
19 xxi. Theo Win %.

20 b. Please identify all persons who have knowledge of facts relevant to the matters
21 discussed above.

22 c. Please identify all documents and communications relevant to the matters contained
23 in this interrogatory.

24 **INTERROGATORY NO. 27:**

25 Please list and describe any and all audits performed on GSR's slot machines, including
26 slot play information, from January 1, 2009, to the present. With regard to your answer to this
27 interrogatory:

28 a. Please identify all persons who have knowledge of facts relevant to the matters

1 described above.

2 b. Please identify all documents and communications relevant to the matters contained
3 in this interrogatory.

4 **INTERROGATORY NO. 28:**

5 Please list and identify all NGC-31 monthly gross revenue statistical reports submitted to
6 the Nevada Gaming Authorities by GSR, from January 1, 2009, through and including the present.

7 a. If not included in your answer to this interrogatory, please identify the location of
8 any and all NGC-31 monthly gross revenue statistical reports generated by GSR and the form and
9 manner in which this data is stored, including its current and past custodians.

10 b. Please list the identity of all persons who have knowledge of facts relevant to the
11 matters described above.

12 **INTERROGATORY NO. 29:**

13 Please describe in detail the marketing strategies and reasons for advertisements by GSR,
14 to the effect that it has the "loosest pay tables allowed" for the following slot games from January
15 1, 2009 to the present:

- 16 i. Lil' Red;
17 ii. Colossal Wizard;
18 iii. Giant's Gold;
19 iv. Forbidden Dragon;
20 v. Spartacus;
21 vi. Tower of the Temple;
22 vii. Triton's Gold;
23 viii. Van Hesing;
24 ix. Zodiac Sisters;
25 x. Jungle Wild II; and
26 xi. Queen of the Wild II.

27 With regard to your answer to this interrogatory, please also provide:

28 a. The identity of all persons who can testify as to the matters described in this
interrogatory.

b. The identity of all documents and communications relevant to the matters described
in this interrogatory.

AFFIRMATION
Pursuant to NRS 239B.030

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

DATED this 4th day of June, 2014.

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



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

IN ASSOCIATION WITH:

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& Thompson
800 S. Meadows Parkway, Suite 800
Reno, Nevada 89521

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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 **DEFENDANT**
4 **PEPPERMILL CASINOS, INC.'S FIRST SET OF INTERROGATORIES TO PLAINTIFF**

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

7 H. STAN JOHNSON, ESQ.

8 TERRY KINNALLY, ESQ.

9 Cohen-Johnson, LLC

10 255 East Warm Springs Road, Suite 100

11 Las Vegas, NV 89119

12 *Attorneys for Plaintiff*

13 Mark Gunderson, Esq.

14 Gunderson Law Firm

15 3895 Warren Way

16 Reno, NV 89509

17 *Attorneys for Defendant Ryan Tors*

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22 *Attorneys for Defendant Peppermill Casinos, Inc.*

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

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26 DATED: This 4th day of June, 2014.

27 
28 V. JAYNE FERREYTO

EXHIBIT 7

EXHIBIT 7

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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

Plaintiffs,

Dept. No.: B7

vs.

BUSINESS COURT DOCKET

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).

COMES NOW, MEI-GSR HOLDINGS, LLC by and through their counsel of record, H. Stan Johnson, Esq. of Cohen|Johnson and hereby files the Plaintiff's Response to Defendant PEPPERMILL CASINO, INC.'s First Set of Requests for Production of Documents to Plaintiffs.

GENERAL OBJECTIONS

The following general objections are incorporated into each of Plaintiff's Responses to Defendant's Requests for Production of Documents:

Wherever Plaintiff objects to a Request on the grounds that said Request is unduly burdensome and oppressive, Defendant's attention is directed to the following cases: *Riss & Co. v. Association of American Railroads*, 23 F.R.D. 211 (D.D.C. 1959); *United States v. Loew's, Inc.*, 23 F.R.D. 178 (S.D.N.Y. 1959); *Green v. Raymond*, 41 F.R.D. 11 (D. Colo. 1966); and

1 *Flour Mills of America, Inc. v. Pace*, 75 F.R.D. 676 (D. Okla. 1977).

2 Further, wherever Plaintiff objects to a Request on the grounds of vagueness and over
3 breadth, Defendant's attention is directed to the following cases: *Jewish Hospital Ass'n of*
4 *Louisville v. Struck Construction Co.*, 77 F.R.D. 59 (C.D. Ky. 1978); *Flour Mills of America,*
5 *Inc. v. Pace*, 75 F.R.D. 676 (D. Okla. 1977); and *Stovall v. Gulf & So. Am. S.S. Co.*, 30 F.R.D.
6 152 (D. Tex. 1961).

7 Further, wherever Plaintiff objects to a Request on the grounds that the Request is
8 irrelevant and not calculated to lead to admissible evidence, Defendant's attention is directed to
9 the following cases: *Green v. Raymond*, 41 F.R.D. 11 (D. Colo. 1966); and *Burroughs v. Warner*
10 *Bros. Pictures*, 14 F.R.D. 165, 166 (D. Mass. 1963).

11 Further, wherever Plaintiff objects to a Request regarding trial preparation materials on
12 the ground that the propounding party has failed to show "good cause" under FRCP 26(b)(3),
13 Defendant's attention is directed to the following cases: *United States v. Chatham City Corp.*, 72
14 F.R.D. 640 at 642-643 (S.D. Ga. 1976); and *First Wisconsin Mtg. v. First Wisconsin Corp.*, 86
15 F.D.R. 160 at 165, 167 (E.D. Wisc. 1980).

16 Finally, wherever Plaintiff objects to a Request on the ground of attorney-client privilege,
17 Defendant's attention is directed to the following cases: *Sperry Rand Corp. v. IBM*, 45 F.R.D.
18 287 (D. Del. 1968); and *Jewish Hospital Ass'n of Louisville v. Struck Construction Co.*, 77
19 F.R.D. 59 (C.D. Ky. 1978).

20 The following Responses to Requests for Production of Documents are based upon
21 information and documents presently available to and known by Plaintiff and disclose only those
22 contentions that are presently asserted, based upon presently available and known facts. It is
23 anticipated that further discovery investigation, legal research and analysis will reveal additional
24 facts, add meaning to known facts, and establish entirely new factual conclusions or legal
25 contentions, all of which may lead to additions to, changes in and variations from these
26 contentions and Responses.

27 ...

1 All documents identified are identified subject to these continuing objections. Plaintiff
2 reserves the right to produce only those portions of particular documents not covered by this
3 general objection.

4 DEFINITIONS OF SPECIFIC OBJECTIONS

5 As used in the specific responses below, the following terms include objections based
6 upon their respective definitions:

7 A. "Vague and Ambiguous" is defined to mean: Plaintiff objects on the basis that
8 the Request is vague, uncertain, and ambiguous.

9 B. "Overbroad" is defined to mean: Plaintiff objects on the basis that the Request is
10 overbroad and calls for an expansive potential breadth of information that is unreasonable in
11 scope and parameter.

12 C. "Irrelevant" is defined to mean: Plaintiff objects on the basis that the Request
13 requests information irrelevant to the subject matter of this action and not reasonably calculated
14 to lead to the discovery of admissible evidence.

15 D. "Burdensome" is defined to mean: Plaintiff objects on the basis that the Request
16 is so broad and uncertain that it creates an unreasonable and undue burden. "Burdensome" is
17 also defined to mean that Plaintiff objects to the Request because the information sought is more
18 readily available through some other, more convenient, less burdensome, and less expensive
19 source or discovery procedure. See NRCP 26(b)(1).

20 E. "Privileged" is defined to mean: Plaintiff objects on the basis that the Request
21 calls for information that is (1) protected by the work product doctrine; (2) protected by the
22 attorney-client privilege; (3) protected because it consists, in whole or in part, of trial preparation
23 materials and/or documents containing mental impressions, conclusions, opinions, or legal
24 theories of counsel; (4) otherwise protected under NRCP 26(b); or (5) protected under any other
25 valid privilege.

1 F. "Repetitious" is defined to mean: Plaintiff objects on the basis that the Response
2 to the Request has already been given after similar documents were produced in response to a
3 previous Request or another format through this proceeding.

4 G. The phrase "Without waiving the foregoing objections", or words having similar
5 effect, is defined to mean: While Plaintiff will produce the requested documents in response to
6 the Request, the documents sought by the Request that are covered by either a specific or general
7 objection will not be produced.

8 **RESPONSES TO REQUESTS FOR PRODUCTION**

9 **REQUEST NO. 1:**

10 All documents, correspondence, memos, emails, notes, policies, procedure, directives, meeting
11 agendas, meeting notes, notices, or any other written or electronic memorialization discussing,
12 describing, explaining or addressing the manner in which Plaintiff GSR tracks players of slot
13 machines at the Grand Sierra Resort for the period of time from January 1, 2009, to and
14 including the present, including on-line slot player tracking systems.

15 **RESPONSE TO REQUEST NO. 1:**

16 OBJECTION, Player tracking is irrelevant to the issues, claims and defenses in this case
17 and GSR therefore objects to this request to the extent that it requests information which is
18 irrelevant to the subject matter of the pending litigation and which is not reasonably calculated to
19 lead to the discovery of admissible evidence, thus rendering this request outside the scope of
20 permissible discovery as prescribed by NRCP 26 et seq. The scope of the Request is overbroad
21 and seeks information beyond the time period in which Defendant claims its misappropriation
22 occurred. Even as to the time period in which Peppermill admits to misappropriating the PARS
23 from slot machines, the tracking of the players who played those machines is irrelevant to the
24 theft and use to which Peppermill put that information. Objection is further made that this
25 request seeks information which constitutes a trade secret and which is irrelevant to the issue in
26 this case and which is protected, confidential, and proprietary and therefore not discoverable in
27

1 this matter whether or not a protective order preventing disclosure is in place.

2
3 **REQUEST NO. 2:**

4 All documents, correspondence, memos, emails, notes, policies, procedure, directives,
5 meeting agendas, meeting notes, notices, or any other written or electronic memorialization
6 discussing, describing, explaining, or addressing the manner in which Plaintiff GSR tracks the
7 play of each slot machine on the floor at GSR or utilized by GSR for the period of time from
8 January 1, 2009, to the present.

9
10 **RESPONSE TO REQUEST NO. 2:**

11 OBJECTION, GSR's tracking of slot play is irrelevant to the issues, claims, and defenses
12 in this case and GSR therefore objects to this request in that it requests information which is
13 irrelevant to the subject matter of the pending litigation and which is not reasonably calculated to
14 lead to the discovery of admissible evidence, thus rendering this request outside the scope of
15 permissible discovery as prescribed by NRCP 26 et seq. Further objection is made in that the
16 scope of the Request is overbroad and seeks information beyond the time period in which
17 Defendant claims its misappropriation occurred it is also overbroad in that it seeks information
18 concerning all slot machines and is not limited to those which were accessed by Mr. Tors.
19 Objection is further made that this request seeks documents containing trade secrets which are
20 irrelevant to the issue in this case and which are protected, confidential, and proprietary and
21 therefore not discoverable in this matter whether or not a protective order preventing disclosure
22 is in place. Further objection is made that even as to the PARs which were misappropriated by
23 Peppermill, the method by which the PARS in question were determined is irrelevant to their
24 misappropriation.

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REQUEST NO. 3:

All documents, correspondence, memos, emails, notes, policies, procedure, directives, meeting agendas, meeting notes, notices, or any other written or electronic memorialization discussing, describing, explaining, or addressing the PAR settings for each slot machine utilized by GSR for a period of time from December 31, 2009 to the present.

RESPONSE TO REQUEST NO. 3:

OBJECTION, GSR's method in either determining, setting, or addressing the PARS for each slot machine is irrelevant to the issues, claims, and defenses in this case and GSR therefore objects to this request in that it requests information which is irrelevant to the subject matter of the pending litigation and which is not reasonably calculated to lead to the discovery of admissible evidence, thus rendering this request outside the scope of permissible discovery as prescribed by NRCP 26 et seq. Further objection is made in that the scope of the Request is overbroad and seeks information beyond the time period in which Defendant claims its misappropriation occurred it is also overbroad in that it seeks information concerning all slot machines and is not limited to those which were accessed by Mr. Tors. . Further objection is made that even as to the PARs which were misappropriated by Peppermill, the method by which the PARS in question were determined is irrelevant to their misappropriation by Peppermill and the use to which Peppermill put the misappropriated information.

Objection is further made that this request seeks documents containing trade secrets which are irrelevant to the issue in this case and which are protected, confidential, and proprietary and therefore not discoverable in this matter whether or not a protective order preventing disclosure is in place.

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REQUEST NO. 4:

All documents, correspondence, memos, emails, notes, policies, procedure, directives, meeting agendas, meeting notes, notices, or any other written or electronic memorialization discussing, describing, explaining, or addressing the changes utilized and implemented by GSR for changing the PAR settings for the period of time from December 31, 2009, to the present, including any schedules or documents showing changes in the PAR settings and the reasons for the changes.

RESPONSE TO REQUEST NO: 4:

OBJECTION, documents concerning GSR's changing of PARS is irrelevant to the issues, claims, and defenses in this case and GSR therefore objects to this request in that it requests documents which are irrelevant to the subject matter of the pending litigation and which are not reasonably calculated to lead to the discovery of admissible evidence, thus rendering this request outside the scope of permissible discovery as prescribed by NRCP 26 et seq. Further objection is made in that the scope of the Request is overbroad and seeks information beyond the time period in which Defendant claims its misappropriation occurred it is also overbroad in that it seeks information concerning all slot machines and is not limited to those which were accessed by Mr. Tors. Further objection is made that even as to the PARs which were misappropriated by Peppermill, the method by which the PARS in question were determined is irrelevant to their misappropriation.

Objection is further made that this request seeks documents containing trade secrets which are irrelevant to the issue in this case and which are protected, confidential, and proprietary and therefore not discoverable in this matter whether or not a protective order preventing disclosure is in place.

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COHEN-JOHN, JN, LLC
255 E. Warm Springs Road, Suite 100
Las Vegas, Nevada 89119
(702) 823-3500 FAX: (702) 823-3400

REQUEST NO 5:

All documents, correspondence, memos, emails, notes, policies, procedure, directives, meeting agendas, meeting notes, notices, or any other written or electronic memorialization discussing, describing, explaining, or addressing the strategies involved in setting the PAR's for the slot machine utilized by GSR for a period of time from December 31,2009,to the present.

RESPONSE TO REQUEST NO. 5

OBJECTION, documents concerning GSR's strategies in the setting of PARS is irrelevant to the issues, claims, and defenses in this case and GSR therefore objects to this request in that it requests documents which are irrelevant to the subject matter of the pending litigation and which are not reasonably calculated to lead to the discovery of admissible evidence, thus rendering this request outside the scope of permissible discovery as prescribed by NRCP 26 et seq. Further objection is made in that the scope of the Request is overbroad and seeks information beyond the time period in which Defendant claims its misappropriation occurred it is also overbroad in that it seeks information concerning all slot machines and is not limited to those which were accessed Peppermill employees. Further objection is made that even as to the PARs which were misappropriated by Peppermill, the strategies by which the PARS in question were determined is irrelevant to their misappropriation by Peppermill and the use to which Peppermill used the misappropriated information.

Objection is further made that this request seeks documents containing trade secrets which are irrelevant to the issue in this case and which are protected, confidential, and proprietary and therefore not discoverable in this matter whether or not a protective order preventing disclosure is in place.

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REQUEST NO 6:

All documents, correspondence, memos, emails, notes, policies, procedure, directives, meeting agendas, meeting notes, notices, or any other written or electronic memorialization discussing, describing, explaining, or addressing the names and addresses of each and every slot customer of GSR who, since July 12, 2013, played slot machines at the Peppermill as a result of the activities of Ryan Tors described in the Complaint on file in this matter.

RESPONSE TO REQUEST NO. 6:

OBJECTION: GSR is not claiming that Peppermill stole customer information and therefore the identities of players who may have played at Peppermill since July 12, 2013 are irrelevant to the issues, claims, and defenses in this case and GSR therefore objects to this request in that it requests documents which are irrelevant to the subject matter of the pending litigation and which are not reasonably calculated to lead to the discovery of admissible evidence, thus rendering this request outside the scope of permissible discovery as prescribed by NRCP 26 et seq.

REQUEST NO. 7:

All documents, correspondence, memos, emails, notes, policies, procedure, directives, meeting agendas, meeting notes, notices, or any other written or electronic memorialization discussing, describing, explaining, or addressing the use the Peppermill made of the information obtained by Ryan Tors on July 12, 2013.

RESPONSE TO REQUEST NO. 7:

OBJECTION: The request is vague and ambiguous in regard to the terms "discussing", in that it appears to call for speculation, and further objection is made in that it assumes that Peppermill has disclosed its use of the misappropriated information. GSR anticipates obtaining relevant documents from Peppermill or the Gaming Control Board, and upon obtaining those documents reserves the right to supplement this response.

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REQUEST NO. 8:

All documents, correspondence, memos, emails, notes, policies, procedure, directives, meeting agendas, meeting notes, notices, or any other written or electronic memorialization discussing, describing, explaining, or addressing any financial loss and/or damages caused to the GSR by the activities of Ryan Tors described in the Complaint on file herein.

RESPONSE TO REQUEST NO. 8:

OBJECTION: This request assumes that GSR is seeking damages for lost profits. Without waiving the foregoing objection GSR is seeking damages for the benefits enjoyed by Peppermill as a result of its misappropriation of PARS and combining those PARS with those misappropriated from other casinos as well as those of Peppermill itself. GSR is also seeking damages in the form of a royalty based on the value of the misappropriated information to Peppermill. At the present time all such responsive documents are in the custody of Peppermill. GSR anticipates obtaining relevant documents from Peppermill or the Gaming Control Board, and upon obtaining those documents reserves the right to supplement this response. Objection is also made to the extent that this request seeks documents which are non-discoverable as attorney-client or attorney work produce.

REQUEST NO. 9:

All documents, correspondence, memos, emails, notes, policies, procedure, directives, Meeting agendas, meeting notes, notices, or any other written or electronic memorialization discussing, describing, explaining, or addressing the financial harm and/or damages caused to the GSR by the activities described in the Complaint filed in this matter caused by the Peppermill, separate and distinct from the damages caused by Ryan Tors.

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RESPONSE TO REQUEST NO. 9:

Peppermill has admitted that Ryan Tors was acting within the course and scope of his employment with Peppermill at the time of the misappropriations and therefore all damages whether the direct result of Tors conduct or the use Peppermill later made of that information are attributable to Peppermill under vicarious liability, rendering this request redundant. See Response to Request No. 8 which is incorporated herein.

REQUEST NO. 10:

All documents, correspondence, memos, emails, notes, policies, procedure, directives, meeting agendas, meeting notes, notices, or any other written or electronic memorialization discussing, describing, explaining, or addressing GSR's marketing plans, promotions, programs for market share for slot play, and market strategies to attract slot customers to play slot machines at GSR for a period of time from January 1, 2011, to the present.

a. Please include any documents which reflect the commencement date, duration and termination of any such promotions or programs for market share for slot play.

b. To the extent not included in your response to Request for Production No. 10 above, please also produce any documents which relate in any manner to the marketing analysis performed by you or your agents for each such promotional program listed.

RESPONSE TO REQUEST NO. 10:

OBJECTION, documents concerning GSR's marketing plans, promotion, programs for market share and market strategies are irrelevant to the issues, claims, and defenses in this case and GSR therefore objects to this request in that it requests documents which are irrelevant to the subject matter of the pending litigation and which are not reasonably calculated to lead to the discovery of admissible evidence, thus rendering this request outside the scope of permissible discovery as prescribed by NRCP 26 et seq. Further objection is made in that the scope of the Request is overbroad and seeks information beyond the time period in which Defendant claims its misappropriation occurred it is also overbroad in that it seeks information concerning all slot

1 machines and is not limited to those which were accessed by Peppermill employees. Further
2 objection is made that even as to the machines which were accessed by Peppermill, documents
3 concerning GSR's marketing plans, promotion, programs for market share and market strategies
4 are irrelevant to their misappropriation of PARS by Peppermill and the use to which Peppermill
5 used the misappropriated information..

6 Objection is further made that this request seeks documents containing trade secrets
7 which are irrelevant to the issue in this case and which are protected, confidential, and
8 proprietary and therefore not discoverable in this matter whether or not a protective order
9 preventing disclosure is in place.

10 **REQUEST NO. 11:**

11 All documents, correspondence, memos, emails, notes, policies, procedure, directives,
12 meeting agendas, meeting notes, notices, or any other written or electronic memorialization
13 discussing, describing, explaining, or addressing GSR's own use of Master Key 2341 in or at the
14 GSR and any other casino property from January 1,2012, to the present.

15 **RESPONSE TO REQUEST NO. 11:**

16 OBJECTION, documents concerning GSR's use of Master Key 2341 is irrelevant to the
17 issues, claims, and defenses in this case and GSR therefore objects to this request in that it
18 requests documents which are irrelevant to the subject matter of the pending litigation and which
19 are not reasonably calculated to lead to the discovery of admissible evidence, thus rendering this
20 request outside the scope of permissible discovery as prescribed by NRCP 26 et seq. Further
21 objection is made in that the scope of the Request is overbroad and seeks information beyond the
22 time period in which Defendant claims its misappropriation occurred it is also overbroad in that
23 it seeks information concerning all slot machines and is not limited to those which were accessed
24 by Peppermill employees. Further objection is made that even as to the machines which were
25 accessed by Peppermill, documents concerning GSR's use of the key are irrelevant to the
26 misappropriation of PARS by Peppermill and the use to which Peppermill used the
27 misappropriated information.

1 In response to the remainder of the Request regarding the use by GSR of a master key at any
2 other casino the response is none since GSR does not engage in the unconscionable conduct
3 evidenced by the Peppermill's misappropriation of trade secrets.

4 **REQUEST NO. 12:**

5 All documents, correspondence, memos, emails, notes, policies, procedure, directives,
6 meeting agendas, meeting notes, notices, or any other written or electronic memorialization
7 discussing, describing, explaining, or addressing the player tracking system and slot performance
8 of GSR's slot machines 951,440, 855,486,1646, and 20042 from 2009 to the present.

9 **RESPONSE TO REQUEST NO. 12 and 12A:**

10 GSR first notes that this request is improper in that it seeks documents for two separate
11 classifications of documents 1. Player tracking system and 2. Slot performance neither of which
12 is a discrete subpart of the other, and therefore this is two separate requests for purposes of
13 NRCP 34. GSR will respond to them separately.

14 **Request 12.**

15 OBJECTION, documents concerning GSR's player tracking system is irrelevant to the
16 issues, claims, and defenses in this case and GSR therefore objects to this request in that it
17 requests documents which are irrelevant to the subject matter of the pending litigation and which
18 are not reasonably calculated to lead to the discovery of admissible evidence, thus rendering this
19 request outside the scope of permissible discovery as prescribed by NRCP 26 et seq. Further
20 objection is made in that the scope of the Request is overbroad and seeks information beyond the
21 time period in which Defendant claims its misappropriation occurred. Further objection is made
22 that the documents requested are irrelevant to Peppermills's misappropriation of PARS and the
23 use to which Peppermill used the misappropriated information.

24 Objection is further made that this request seeks documents containing trade secrets
25 which are irrelevant to the issue in this case and which are protected, confidential, and
26 proprietary and therefore not discoverable in this matter whether or not a protective order
27 preventing disclosure is in place.

Request 12A

OBJECTION, documents concerning the performance of GSR's slot machines is irrelevant to the issues, claims, and defenses in this case and GSR therefore objects to this request in that it requests documents which are irrelevant to the subject matter of the pending litigation and which are not reasonably calculated to lead to the discovery of admissible evidence, thus rendering this request outside the scope of permissible discovery as prescribed by NRCP 26 et seq. Further objection is made in that the scope of the Request is overbroad and seeks information beyond the time period in which Defendant claims its misappropriation occurred. Further objection is made that the documents requested are irrelevant to Peppermills's misappropriation of PARS and the use to which Peppermill used the misappropriated information.

Objection is further made that this request seeks documents containing trade secrets which are irrelevant to the issue in this case and which are protected, confidential, and proprietary and therefore not discoverable in this matter whether or not a protective order preventing disclosure is in place.

REQUEST NO. 13

All documents, correspondence, memos, emails, notes, policies, procedure, directives, meeting agendas, meeting notes, notices, or any other written or electronic memorialization discussing, describing, explaining, or addressing the specific customers and patrons who played the slot machines identified as 951,440, 855,486,1646, and 20042 from 2009 to the present.

RESPONSE TO REQUEST NO. 13:

OBJECTION, documents concerning GSR's customer and patrons are irrelevant to the issues, claims, and defenses in this case and GSR therefore objects to this request in that it requests documents which are irrelevant to the subject matter of the pending litigation and which are not reasonably calculated to lead to the discovery of admissible evidence, thus rendering this request outside the scope of permissible discovery as prescribed by NRCP 26 et seq. Further objection is made in that the scope of the Request is overbroad and seeks information beyond the

1 time period in which Defendant claims its misappropriation occurred. Further objection is made
2 that this request is to Peppermill's misappropriation of PARS and the use to which Peppermill
3 used the misappropriated information.

4 Objection is further made that this request seeks documents containing trade secrets
5 which are irrelevant to the issue in this case and which are protected, confidential, and
6 proprietary and therefore not discoverable in this matter whether or not a protective order
7 preventing disclosure is in place.

8 **REQUEST NO. 14**

9 All documents, correspondence, memos, emails, notes, policies, procedure, directives,
10 meeting agendas, meeting notes, notices, or any other written or electronic memorialization
11 discussing, describing, explaining, or addressing the use made of the information obtained by
12 Ryan Tors by the Defendant Peppermill Casinos, Inc.

13 **RESPONSE TO REQUEST NO. 14:**

14 OBJECTION this request is duplicative of Request No. 7 and therefore GSR repeats and
15 incorporates herein its response to Request No. 7.

16 **REQUEST NO 15:**

17 All documents, correspondence, memos, emails, notes, policies, procedure, directives,
18 meeting agendas, meeting notes, notices, or any other written or electronic memorialization
19 discussing, describing, explaining, or addressing the statements made by Ryan Tors while on the
20 GSR property on July 12, 2013.

21 **RESPONSE TO REQUEST NO. 15:**

22 See documents previously produced as GRA0001 through GRA00010 and GRA00018
23 through GRA00023 plus the surveillance video of Ryan Tors. Discovery is ongoing and GSR
24 reserves the right to supplement this request.

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REQUEST NO. 16:

All documents, correspondence, memos, emails, notes, policies, procedure, directives, meeting agendas, meeting notes, notices, or any other written or electronic memorialization discussing, describing, explaining, or addressing the specific and precise accounting information obtained and data accessed by Ryan Tors at the GSR.

RESPONSE TO REQUEST NO. 16:

See documents previously produced as GRA0001 through GRA00010 and GRA00018 through GRA00023 plus the video surveillance of Ryan Tors. Discovery is ongoing and GSR reserves the right to supplement this response.

REQUEST NO. 17:

All documents, correspondence, memos, emails, notes, policies, procedure, directives, meeting agendas, meeting notes, notices, or any other written or electronic memorialization discussing, describing, explaining, or addressing the "diagnostics" received, accessed, or retrieved by Ryan Tors as a result of the activities described in GSR's Complaint on July 12, 2013.

RESPONSE TO REQUEST NO. 17:

See documents previously produced as GRA0001 through GRA00010 and GRA00018 through GRA00023 plus the video surveillance of Ryan Tors. Discovery is ongoing and GSR reserves the right to supplement this response.

REQUEST NO. 18:

All documents, correspondence, memos, emails, notes, policies, procedure, directives, meeting agendas, meeting notes, notices, or any other written or electronic memorialization discussing, describing, explaining, or addressing all written, oral, documentary communications between GSR and other gaming properties in Washoe County concerning the activities of Ryan Tors as described in GSR's Complaint since July 12, 2013.

RESPONSE TO REQUEST NO. 18:

OBJECTION this request is vague and ambiguous as to the phrase "documentary communication" as GSR is unable to determine what is meant. In response to the remainder of the request GSR states there are no such documents.

REQUEST NO. 19:

All documents, correspondence, memos, emails, notes, policies, procedure, directives, meeting agendas, meeting notes, notices, or any other written or electronic memorialization discussing, describing, explaining, or addressing how, when, and where the Peppermill made any use whatsoever of the data and diagnostics allegedly retrieved by Ryan Tors on July 12, 2013.

RESPONSE TO REQUEST NO 19:

None at this time as all documents showing what Peppermill did is in the custody of Peppermill or the Gaming Commission. GSR expects to obtain such documents through 16.1 and discovery is ongoing and GSR reserves the right to supplement this response

REQUEST NO. 20:

All documents, correspondence, memos, emails, notes, policies, procedure, directives, meeting agendas, meeting notes, notices, or any other written or electronic memorialization discussing, describing, explaining, or addressing the efforts made by the GSR to preserve the secrecy and alleged confidentiality of the PAR settings on the slot machines utilized by the GSR during the years 2009 through and including the present.

RESPONSE TO REQUEST NO 20:

OBJECTION, The scope of the Request is overbroad and seeks information beyond the time period in which Defendant claims its misappropriation occurred. Objection is further made that this request seeks documents containing trade secrets which are will not be disclosed pending the ruling by the Court on the proposed protective order, and at that time documents relevant to the time in which Peppermill was engaged in misappropriation of GSR trade secrets will be provided. Objection as to relevance as to any and all portions of this request which seeks information prior to the misappropriation or post misappropriation since any documents

1 concerning post-incident measures are non-discoverable as subsequent remedial measures under
2 N.R.S. 48.095 as Peppermill seeks to use this information to establish culpability on the part of
3 GSR.

4 **REQUEST NO. 21:**

5 All documents, correspondence, memos, emails, notes, policies, procedure, directives,
6 meeting agendas, meeting notes, notices, or any other written or electronic memorialization
7 discussing, describing, explaining, or addressing the "independent economic value" of the
8 information obtained by Ryan Tors on July 12, 2013.

9 **RESPONSE TO REQUEST NO. 21:**

10 OBJECTION: Objection is made on the grounds that this request call for documents
11 prepared by GSR's experts and no rule or statute calls for the disclosure of expert witnesses,
12 expert reports or supporting data at this time. Disclosure of who will testify at trial will be made
13 when and in the manner intended and required by the rules. Discovery is continuing and
14 Defendant reserves its right to supplement this answer.

15 **REQUEST NO. 22:**

16 All documents, correspondence, memos, emails, notes, policies, procedure, directives,
17 meeting agendas, meeting notes, notices, or any other written or electronic memorialization
18 discussing, describing, explaining, or addressing GSR's allegation that the Peppermill will be
19 "likely to continue to misappropriate trade secrets" of the GSR.

20 **RESPONSE TO REQUEST NO. 22:**

21 See the complaint filed in this matter, as well as the surveillance video of Ryan Tors, the
22 judicial admissions by Peppermill that it has engaged in this or similar conduct for over 4 years
23 at approximately 12 casinos, based on Peppermill's past conduct it is more probably than not that
24 Peppermill will continue to engage in such behavior. This is also supported by Peppermill's
25 objection to being enjoined from engaging in said conduct, since unless Peppermill intends to
26 continue this or similar conduct it would agree to a temporary injunction pending the resolution
27 of the case.

REQUEST NO. 23:

All documents, correspondence, memos, emails, notes, policies, procedure, directives, meeting agendas, meeting notes, notices, or any other written or electronic memorialization discussing, describing, explaining, or addressing the allegation that the Peppermill intended to financially harm the GSR.

RESPONSE TO REQUEST NO. 23:

All documents memorializing Peppermill's motives are currently in the possession, custody and control of the Peppermill and the Gaming Commission. GSR anticipates obtaining relevant documents from Peppermill or the Gaming Control Board, and upon obtaining those documents reserves the right to supplement this response. GSR anticipates this will include emails, spreadsheets, memorandums and the transcripts of the interviews of Ryan Tors, William Paganetti, Billy Paganetti and additional employees, agents, managers and directors of GSR.

REQUEST NO. 24:

All documents, correspondence, memos, emails, notes, policies, procedure, directives, meeting agendas, meeting notes, notices, or any other written or electronic memorialization discussing, describing, explaining, or addressing GSR's allegation that the acts and conduct of Ryan Tors on July 12, 2013, were ratified and approved by management at the Peppermill.

RESPONSE TO REQUEST NO. 24:

See William Paganetti's statement before the Nevada Gaming Commission, which has been produced by Peppermill, and the proposed amended answer of Peppermill Casino.

REQUEST NO. 25:

Investigative reports generated by the GSR concerning the activities of Ryan Tors at the GSR on July 12, 2013, internal or otherwise.

...

...

...

...

RESPONSE TO REQUEST NO. 25:

OBJECTION is made that this request is vague and ambiguous in regards to the phrase "internal or otherwise". Without waiving this objection see documents previously produced as GRA0001 through GRA0023 plus the video surveillance of Ryan Tors. Discovery is ongoing and GSR reserves the right to supplement this response.

REQUEST NO. 26:

All documents, correspondence, memos, emails, notes, policies, procedure, directives, meeting agendas, meeting notes, notices, or any other written or electronic memorialization discussing, describing, explaining, or addressing daily detailed slot machine performance data for each month from December 29, 2009, to the present, including for each slot machine the following:

- i. Machine Number;
- ii. Machine Location;
- iii. Manufacturer;
- iv. Game Type;
- v. Game Name;
- vi. Coin Denomination;
- vii. State date for machine;
- viii. End date for machine;
- ix. Machine PARS %;
- x. Cash In;
- xi. Free Play;
- xii. Cash Out
- xiii. Net Win;
- xiv. Cash Won;
- xvi. Theo Cash Won
- Xvii. Actual Payout %;

- xviii. Theo Payout %;
- xix. Win per Day
- xxi Actual Win % and
- xxii Theo Win %.

RESPONSE TO REQUEST NO. 26:

OBJECTION, The daily detailed slot performance data is irrelevant to the issues, claims and defenses in this case and GSR therefore objects to this request in that it requests information which is irrelevant to the subject matter of the pending litigation and which is not reasonably calculated to lead to the discovery of admissible evidence, thus rendering this request outside the scope of permissible discovery as prescribed by NRCP 26 et seq. The scope of the Request is overbroad and seeks information beyond the time period in which Defendant claims its misappropriation occurred as well as to slot machines which were not accessed by Peppermill employees. Even as to the time period in which Peppermill admits to misappropriating the PARS from slot machines, the daily detailed slot machine performance for those machines is irrelevant to the theft of the PARS and use to which Peppermill put that information. Objection is further made that this request seeks information which constitutes a trade secret and which is irrelevant to the issue in this case and which is protected, confidential, and proprietary and therefore not discoverable in this matter whether or not a protective order preventing disclosure is in place. Objection is further made that the request is vague and ambiguous as to subpart vii and viii seeking the start and end dates of the machine.

REQUEST FOR PRODUCTION NO. 27:

All documents, correspondence, memos, emails, notes, policies, procedure, directives, meeting agendas, meeting notes, notices, or any other written or electronic memorialization discussing, describing, explaining, or addressing any audit performed on the slot machines and slot play from December 29, 2009 through and including the present.

...

...

RESPONSE TO REQUEST NO. 27:

GSR first notes that this request is improper in that it seeks documents for two separate classifications of documents 1. audits on slot machines and 2. Audits on Slot play neither of which is a discrete subpart of the other, and therefore this is two separate requests for purposes of NRCP 34. GSR will respond to them separately.

Request 27 A.

OBJECTION, an audit on slot machines is irrelevant to the issues, claims and defenses in this case and GSR therefore objects to this request in that it requests information which is irrelevant to the subject matter of the pending litigation and which is not reasonably calculated to lead to the discovery of admissible evidence, thus rendering this request outside the scope of permissible discovery as prescribed by NRCP 26 et seq. The scope of the Request is overbroad and seeks information beyond the time period in which Defendant claims its misappropriation occurred as well as to slot machines which were not accessed by Peppermill employees. Even as to the time period in which Peppermill admits to misappropriating the PARS from slot machines, the audits on those machines is irrelevant to the theft of the PARS and use to which Peppermill put that information. Objection is further made that this request seeks information which constitutes a trade secret and which is irrelevant to the issue in this case and which is protected, confidential, and proprietary and therefore not discoverable in this matter whether or not a protective order preventing disclosure is in place.

Request to 27 B

OBJECTION, an audit on slot play is irrelevant to the issues, claims and defenses in this case and GSR therefore objects to this request in that it requests information which is irrelevant to the subject matter of the pending litigation and which is not reasonably calculated to lead to the discovery of admissible evidence, thus rendering this request outside the scope of permissible discovery as prescribed by NRCP 26 et seq. The scope of the Request is overbroad and seeks information beyond the time period in which Defendant claims its misappropriation occurred as well as to slot machines which were not accessed by Peppermill employees. Even as to the time

1 period in which Peppermill admits to misappropriating the PARS from slot machines, the audits
2 on slot play on those machines is irrelevant to the theft of the PARS and use to which
3 Peppermill put that information. Objection is further made that this request seeks information
4 which constitutes a trade secret and which is irrelevant to the issue in this case and which is
5 protected, confidential, and proprietary and therefore not discoverable in this matter whether or
6 not a protective order preventing disclosure is in place.

7 **REQUEST NO. 28:**

8 A GSR NGC 31 Monthly Gross Revenue Statistical Reports submitted to the Nevada
9 Gaming Authorities for the period December 2009 through and including the present.

10 **RESPONSE TO REQUEST NO. 28:**

11 OBJECTION, GSR's monthly Gross Revenue Statistical Report is irrelevant to the
12 issues, claims and defenses in this case and GSR therefore objects to this request in that it
13 requests information which is irrelevant to the subject matter of the pending litigation and which
14 is not reasonably calculated to lead to the discovery of admissible evidence, thus rendering this
15 request outside the scope of permissible discovery as prescribed by NRCP 26 et seq. The scope
16 of the Request is overbroad and seeks information beyond the time period in which Defendant
17 claims it's misappropriation occurred as well as to slot machines and other gaming activities
18 (such as craps, roulette, twenty-one, wheel of fortune, baccarat, mini-baccarat, pai gow, sic-bo,
19 pai gow poker, 3 card poker and other games, race book and sports book) which were not
20 accessed by Peppermill employees. Even as to the time period in which Peppermill admits to
21 misappropriating the PARS from slot machines, these reports to the extent they include those
22 machines are irrelevant to the theft of the PARS and use to which Peppermill put that
23 information. Objection is further made that this request seeks information which constitutes a
24 confidential, and proprietary information and which is irrelevant to the issue in this case and
25 which is protected, confidential, and proprietary and therefore not discoverable in this matter
26 whether or not a protective order preventing disclosure is in place. Further objection is made in
27 that while the cumulative information compiled by the reports is made public the individual

1 reports are private and confidential

2 **REQUEST FOR PRODUCTION NO. 29:**

3 All documents, correspondence, memos, emails, notes, policies, procedure, directives,
4 meeting agendas, meeting notes, notices, or any other written or electronic memorialization
5 discussing, describing, explaining, or addressing the marketing reasons and business strategies
6 for the GSR's advertisements that it has the "loosest pay tables allowed" for the following slot
7 games:

- 8 a) Lil' Red;
- 9 b) Colossal Wizzard;
- 10 c) Giant's Gold;
- 11 d) Forbidden Dragon;
- 12 e) Spartacus;
- 13 f) Tower of the Temple;
- 14 g) Triton's Gold;
- 15 h) Van Hesing(sic);
- 16 i) Zodiac Sisters;
- 17 j) Jungle Wild II; and
- 18 k) Queen of the Wild II.

19 **RESPONSE TO REQUEST 29:**

20 OBJECTION, all information including advertising concerning the machines identified in
21 section a-j in the Request is irrelevant to the issues, claims and defenses in this case and GSR
22 therefore objects to this request in that it requests information which is irrelevant to the subject
23 matter of the pending litigation and which is not reasonably calculated to lead to the discovery of
24 admissible evidence, thus rendering this request outside the scope of permissible discovery as
25 prescribed by NRCP 26 et seq. When Ryan Tors was detained he had a list of machines which
26 he had accessed and which he intended to access. None of the machines identified in this request
27 are on that list and therefore are irrelevant to his misappropriation. Moreover, advertising is

1 irrelevant to the theft of PARS from GSR as is shown by the fact that Peppermill also accessed
2 and obtained PARS from other Reno area casinos. Objection is further made that this request
3 seeks information which constitutes a trade secret and which is irrelevant to the issue in this case
4 and which is protected, confidential, and proprietary and therefore not discoverable in this matter
5 whether or not a protective order preventing disclosure is in place.

6 **REQUEST NO. 30:**

7 All documents, correspondence, memos, emails, notes, policies, procedure, directives,
8 meeting agendas, meeting notes, notices, or any other written or electronic memorialization
9 discussing, describing, explaining, or addressing GSR'S marketing and advertising strategies to
10 publicize loose pay tables for all of its slot machines from 2009 to the present.

11 **RESPONSE TO REQUEST NO. 30:**

12 OBJECTION GSR'S advertising strategies are irrelevant to the issues, claims and
13 defenses in this case and GSR therefore objects to this request in that it requests information
14 which is irrelevant to the subject matter of the pending litigation and which is not reasonably
15 calculated to lead to the discovery of admissible evidence, thus rendering this request outside the
16 scope of permissible discovery as prescribed by NRCP 26 et seq. The scope of the Request is
17 overbroad and seeks information beyond the time period in which Defendant claims its
18 misappropriation occurred as well as to slot machines which were not accessed by Peppermill
19 employees. Even as to the time period in which Peppermill admits to misappropriating the
20 PARS from slot machines, advertising concerning those machines is irrelevant to the theft of the
21 PARS and use to which Peppermill put that information. Objection is further made that this
22 request seeks information which constitutes a trade secret and which is irrelevant to the issue in
23 this case and which is protected, confidential, and proprietary and therefore not discoverable in
24 this matter whether or not a protective order preventing disclosure is in place.

25 **REQUEST NO. 31:**

26 Copies of maps, illustrations, charts or any other depiction of the GSR casino floor
27 showing the location of each slot machine at the Grand Sierra Resort on July 12, 2013.

1 **RESPONSE TO REQUEST NO 31:**

2 OBJECTION, the location of the slot machines on the GSR casino floor is irrelevant to
3 the issues, claims and defenses in this case and GSR therefore objects to this request in that it
4 requests information which is irrelevant to the subject matter of the pending litigation and which
5 is not reasonably calculated to lead to the discovery of admissible evidence, thus rendering this
6 request outside the scope of permissible discovery as prescribed by NRCP 26 et seq. The scope
7 of the Request is overbroad and seeks information as to slot machines which were not accessed
8 by Peppermill employees. Even as to the machines whose PARS Peppermill admits to
9 misappropriating the locations of those machines on the casino floor is irrelevant to the theft of
10 the PARS and use to which Peppermill put that information.

11 **REQUEST NO 32:**

12 The complete personnel file of former employee Steven Rosen, together with all
13 documents, correspondence, memos, emails, notes, policies, procedures, directives, meeting
14 agendas, meeting notes, notices or any other written or electronic memorialization discussing,
15 describing, explaining or addressing the circumstances of the termination of Steven Rosen's
16 employment, or related to his leaving the employ of Plaintiff.

17 **REQUEST NO. 32:**

18 OBJECTION Mr. Rosen is not a party to this action and therefore his employment file is
19 irrelevant in this matter. In *Montana Human Rights Division v. Billings* 199 Mont 434, 649 P. 2d
20 1283 (1982) the Court found that there was an expectation of privacy in employment records
21 which renders them confidential. This expectation of privacy and confidentiality is not waived
22 because an employee becomes witness in a lawsuit. Mr. Rosen has an expectation of privacy and
23 confidentiality in his employment records and cannot be forced to waive that right. GSR
24 therefore objects to this request in that it requests information which is irrelevant to the subject
25 matter of the pending litigation and which is not reasonably calculated to lead to the discovery of
26 admissible evidence, thus rendering this request outside the scope of permissible discovery as
27 prescribed by NRCP 26 et seq. and as a violation of Mr. Rosen's privacy. Further GSR also has

COHEN-JOHN, CN, LLC
255 E. Warm Springs Road, Suite 100
Las Vegas, Nevada 89119
(702) 823-3500 FAX: (702) 823-3400

1 a duty to not release his confidential employment records without his consent.

2 Dated this 16th day of July, 2014.

3 COHEN JOHNSON LLC.

4
5 By: /s/ H. Stan Johnson
6 H. Stan Johnson, Esq.
7 Nevada Bar No. 00265
8 Terry Kinnally, Esq.
9 Nevada Bar No. 6379
10 255 E. Warm Springs Road, Suite 100
11 Las Vegas, Nevada 89119
12 *Attorney for the Plaintiffs*
13
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 16th day of July, 2014, a true and correct copy of the foregoing Plaintiff's Response to Defendant PEPPERMILL CASINO, INC.'s First Set of Requests for Production of Documents to Plaintiffs was served by facsimile to the numbers listed below, e-mail addresses to the provided by counsel and placing a copy thereof in the US Mail at Las Vegas, Nevada, with proper postage prepaid, addressed to the following:

COTTON, DRIGGS, WALCH, HOLLEY WOLOSON & THOMPSON
C/o Clark V. Velis, Esq.
800 S. Meadows Parkway, Suite 800
Reno, Nevada 89501
Attorney for the Defendant Peppermill
cvellis@nevadafirm.com
Facsimile (775) 851-7681

ROBINSON, BELAUSTEGUI, SHARP & LOW
C/o Kent R. Robison, Esq.
71 Washington Street
Reno, Nevada 89503
Attorney for the Defendant Peppermill
krobison@rbsllaw.com
Facsimile (775) 329-7169

GUNDERSON LAW FIRM
C/o Mark H. Gunderson, Esq.
3895 Warren Way
Reno, Nevada 89509
Attorney for Defendant Ryan Tors
Facsimile (775) 829-1226

STATE OF NEVADA
Office of the Attorney General
C/o Micheal P. Soms, Esq.
555 E. Washington Ave., Suite 3900
Las Vegas, Nevada 89101

/s/ Kelly J. Montgomery
Kelly J. Montgomery, an employee of COHEN|JOHNSON, LLC.

EXHIBIT 8

EXHIBIT 8

CASE NO. CV13-01704

MEI-GSR HOLDINGS vs. PEPPERMILL CASINOS et al.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

06/26/14
HONORABLE
PATRICK
FLANAGAN
DEPT. NO. 7
K. Oates
(Clerk)
S. Koetting
(Reporter)

STATUS HEARING

Terry Kinnally, Esq., was present in Court via Court Call on behalf of Plaintiff MSI-GSR Holdings, Inc., who was not present.
Kent Robison, Esq., Clark Vellis, Esq. and Therese Shanks, Esq. were present in Court on behalf of Defendant Peppermill Casinos, Inc., who was not present.
Mark Gunderson, Esq., was present in Court on behalf of Defendant Ryan Tors, who was not present.
1:14 p.m. – Court convened with Court and counsel present.
The Court advised respective counsel that he is aware of the filed Motions in this case, however, they have not been fully briefed. Counsel Robison addressed the Court and advised that experts have been hired as to gaming and marketing, and those experts have requested certain documentation be provided, however, Plaintiff's counsel objects, and is seeking a protective order. Further, counsel advised he has noticed NRCP 30(b)(6) depositions, but will stipulate to continue those depositions and await the Court's decision as to the Motion for Protective Order. Further, counsel advised that issues exist as the confidentiality of documents to be exchanged between the parties, to include that defense counsel suggested a confidentiality agreement be executed for the protection of all parties, however, the Plaintiff disagrees with a confidentiality agreement, and supports the appointment of a special master.
Counsel Gunderson addressed the Court and concurred with counsel Robison as to the necessity of a confidentiality agreement, and further had no objection to the depositions being vacated, however, counsel moved to have the depositions immediately re-calendared to allow for dates certain, locations and order of witnesses. Further, counsel argued that the Court may need to become more involved, this is not a complex case, and the services of a special master is not necessary.
Counsel Vellis addressed the Court and added nothing further.
Counsel Kinnally addressed the Court and argued that the Peppermill is seeking documentation from the Gaming Control

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

06/26/14

HONORABLE

PATRICK

FLANAGAN

DEPT. NO. 7

K. Oates

(Clerk)

S. Koetting

(Reporter)

STATUS HEARING

Board, and a special master should be appointed to review this documentation. Further, counsel argued that trade secrets are an issue in this case, Defendant Tors took "pars" from slot machines belonging to the Plaintiff using a master key, and a Hearing should be conducted as to the Motion for Protective Order relating to defense experts being entitled to review documentation involving trade secrets.

Counsel Robinson responded and argued that the complaint reads that there was a violation of the criminal trade secrets act. Further, the Plaintiff is claiming damages in excess of ten thousand dollars, those damages should be proven, the defense experts need the discovery to properly assess the case, and a confidentiality agreement should be executed by the parties.

COURT ORDERED: A Hearing as to a Confidentiality Agreement/ Special Master will be held on July 10, 2014 at 2:30 p.m. with briefs filed no later than 5:00 p.m. on July 7, 2014.

Counsel Kinnally inquired if a representative of the Gaming Control Board should be present at the Hearing.

Counsel Robison responded that as to the Gaming Control Board documentation requested by the Plaintiff, both the Peppermill and the Gaming Control Board will oppose that request, however, the Gaming Control Board will take no position if the parties exchange the documentation between themselves, under the guise of a confidentiality agreement.

COURT ORDERED: The attendance of a representative of the Gaming Control Board at the Hearing scheduled for July 10, 2014 is not necessary.

Counsel Gunderson moved to reschedule the depositions that were vacated for the week of July 10, 2014.

Counsel Kinnally responded and argued that notice is an issue, in that, thirty NRCP 30(b)(6) depositions were noticed for one week.

Counsel Robison responded that the depositions were noticed for the Plaintiff's convenience and they can choose the most knowledgeable deponents.

Counsel Gunderson moved for deposition dates.

Counsel Robison responded a week in mid-August would work.

CASE NO. CV13-01704

MEI-GSR HOLDINGS vs. PEPPERMILL CASINOS et al.

Page Three

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

06/26/14

STATUS HEARING

HONORABLE

COURT ORDERED: The depositions will be rescheduled to the
week of August 18, 2014.

PATRICK

1:37 p.m. – Court stood in recess.

FLANAGAN

DEPT. NO. 7

K. Oates

(Clerk)

S. Koetting

(Reporter)

EXHIBIT 9

EXHIBIT 9



ROBISON, BELAUSTEGUI, SHARP & LOW

June 27, 2014

ATTORNEYS:

Kent R. Robison
Thomas L. Belaustegui
F. DeArmond Sharp
Keegan C. Low
Barry L. Breslow
Mark G. Simons
Michael E. Sullivan
Clayton P. Brust
Stefanie T. Sharp

Frank C. Gilmore
Michael A. Burke
Kristen L. Martini
Therese M. Shanks

Via Email: tkinnally@cohenjohnson.com

Terry Kinnally, Esq.
Cohen-Johnson, LLC
255 E. Warm Springs Road, Suite 100
Las Vegas, NV 89119

Via Email: mgunderson@gundersonlaw.com

Mark Gunderson, Esq.
Gunderson Law Firm
3895 Warren Way
Reno, NV 89509

Via Email: cvellis@nevadafirm.com

Clark V. Vellis, Esq.
Cotton, Driggs, Walch, Holley, Woloson & Thompson
800 S. Meadows Parkway, Suite 800
Reno, NV 89521

Re: GSR v. Peppermill/Tors

Dear Counsel:

I neglected to observe on my calendar that I will be enrolling my daughter in Emory University on Tuesday, August 19, 2014. I would, therefore, respectfully request that we agree to proceed with the NRCP 30(b)(6) depositions the week of August 25, 2014. The nature, extent and scope of the depositions permitted by the Court will, of course, determine how many days will be necessary, but I still estimate the need for four consecutive days.

We are confused by GSR's concern that we did not specify certain witnesses for certain dates. As explained to the Court, this was done as a courtesy to the Plaintiff. The options, therefore, are:

1. We will amend the Notice to indicate specific dates and times for specific Persons Most Knowledgeable; or
2. You can produce the responsive Persons Most Knowledgeable in any order that you so desire so that the convenience of the witnesses can be considered. We are more than willing to take the Persons Most Knowledgeable on any topic set forth in our NRCP 30(b)(6) Notice at that specific witness' convenience.

However, if you want me to specify each Person Most Knowledgeable for a specific time on a specific day, I will be pleased to do so. Generally, with NRCP 30(b)(6) notices, one Person Most Knowledgeable witness typically testifies concerning several topics in the notice. That is another reason for flexibility. Please advise immediately.

Yours very truly,


KENT R. ROBISON

KRR:jf

P 775.329.3151
F 775.329.7941

71 Washington Street
Reno, Nevada 89503

www.rbsllaw.com

J:\WPData\Krr\1872.006-Peppermill-GSR v.L-Kinnally, Terry 6-11-14.docx

RA 00330

Kent Robison

From: Kent Robison
Sent: Friday, June 27, 2014 4:01 PM
To: tkinnally@cohenjohnson.com; 'mgunderson@gundersonlaw.com'; 'Clark V. Vellis'
Cc: Kent Robison; Keegan Low; Therese Shanks
Subject: GSR v. Peppermill / Tors
Attachments: L-Robison to Kinnally.Gunderson.Vellis.06-27-14.pdf

Dear Counsel:

Attached hereto is Mr. Robison's letter to you of this date.

Thank you.

Jayne Ferretto
Assistant to Kent Robison

EXHIBIT 10

EXHIBIT 10

1 2582

2 KENT R. ROBISON, ESQ. - NSB #1167

3 krobison@rbsllaw.com

4 KEEGAN G. LOW, ESQ. - NSB #307

5 klow@rbsllaw.com

6 THERESE M. SHANKS, ESQ. - NSB # 12890

7 tshanks@rbsllaw.com

8 Robison, Belanstegui, Sharp & Low

9 A Professional Corporation

10 71 Washington Street

11 Reno, Nevada 89503

12 Telephone: (775) 329-3151

13 Facsimile: (775) 329-7169

14 IN ASSOCIATION WITH:

15 CLARK V. VELLIS, ESQ. - NSB #5533

16 cvellis@nevadafirm.com

17 Cotton, Driggs, Walch, Holley, Woloson & Thompson

18 800 S. Meadows Parkway, Suite 800

19 Reno, Nevada 89521

20 Telephone: (775) 851-8700

21 Facsimile: (775) 851-7681

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

24 IN THE SECOND JUDICIAL DISTRICT FOR THE STATE OF NEVADA

25 IN AND FOR THE COUNTY OF WASHOE

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

28 Plaintiff,

vs.

CASE NO.: CV13-01704

DEPT. NO.: B7

BUSINESS COURT DOCKET

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

33 Defendant(s).

34 SUPPLEMENTAL

35 AMENDED NOTICE OF TAKING DEPOSITIONS OF PLAINTIFF'S PERSONS MOST
36 KNOWLEDGEABLE PURSUANT TO NRCP 30(b)(6)

37 TO: Plaintiff above named and to its attorneys of record:

38 Defendant, Peppermill Casinos, Inc., does hereby give notice pursuant to and in accordance

1 with Nevada Rule of Civil Procedure 30(b)(6) that it will take the depositions of the Plaintiff's
2 Persons Most Knowledgeable as follows:

- 3 1. For topic #1 in Exhibit 1, 9:00 a.m. on Monday, August 25, 2014;
- 4 2. For topic #2 in Exhibit 1, 10:00 a.m. on Monday, August 25, 2014;
- 5 3. For topic #3 in Exhibit 1, 11:00 a.m. on Monday, August 25, 2014;
- 6 4. For topic #4 in Exhibit 1, 1:00 p.m. on Monday, August 25, 2014;
- 7 5. For topic #5 in Exhibit 1, 2:00 p.m. on Monday, August 25, 2014;
- 8 6. For topic #6 in Exhibit 1, 3:00 p.m. on Monday, August 25, 2014;
- 9 7. For topic #7 in Exhibit 1, 4:00 p.m. on Monday, August 25, 2014;
- 10 8. For topic #8 in Exhibit 1, 9:00 a.m. on Tuesday, August 26, 2014;
- 11 9. For topic #9 in Exhibit 1, 10:00 a.m. on Tuesday, August 26, 2014;
- 12 10. For topic #10 in Exhibit 1, 11:00 a.m. on Tuesday, August 26, 2014;
- 13 11. For topic #11 in Exhibit 1, 1:00 p.m. on Tuesday, August 26, 2014;
- 14 12. For topic #12 in Exhibit 1, 2:00 p.m. on Tuesday, August 26, 2014;
- 15 13. For topic #13 in Exhibit 1, 3:00 p.m. on Tuesday, August 26, 2014;
- 16 14. For topic #14 in Exhibit 1, 4:00 p.m. on Tuesday, August 26, 2014;
- 17 15. For topic #15 in Exhibit 1, 8:30 a.m. on Wednesday, August 27, 2014;
- 18 16. For topic #16 in Exhibit 1, 9:00 a.m. on Wednesday, August 27, 2014;
- 19 17. For topic #17 in Exhibit 1, 10:00 a.m. on Wednesday, August 27, 2014;
- 20 18. For topic #18 in Exhibit 1, 11:00 a.m. on Wednesday, August 27, 2014;
- 21 19. For topic #19 in Exhibit 1, 1:00 p.m. on Wednesday, August 27, 2014;
- 22 20. For topic #20 in Exhibit 1, 1:30 p.m. on Wednesday, August 27, 2014;
- 23 21. For topic #21 in Exhibit 1, 2:30 p.m. on Wednesday, August 27, 2014;
- 24 22. For topic #22 in Exhibit 1, 3:30 p.m. on Wednesday, August 27, 2014;
- 25 23. For topic #23 in Exhibit 1, 4:00 p.m. on Wednesday, August 27, 2014;
- 26 24. For topic #24 in Exhibit 1, 8:30 a.m. on Thursday, August 28, 2014;
- 27 25. For topic #25 in Exhibit 1, 9:00 a.m. on Thursday, August 28, 2014;
- 28 26. For topic #26 in Exhibit 1, 10:00 a.m. on Thursday, August 28, 2014;

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IN ASSOCIATION WITH:

CLARK V. VELLIS, ESQ.
Cotton, Driggs, Walch, Holley, Woloson
& Thompson
800 S. Meadows Parkway, Suite 800
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 **SUPPLEMENTAL AMENDED NOTICE OF TAKING DEPOSITIONS OF PLAINTIFF'S PERSONS MOST KNOWLEDGEABLE PURSUANT TO NRCP 30(b)(b):**

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:

H. STAN JOHNSON, ESQ.
TERRY KINNALLY, ESQ.
Cohen-Johnson, LLC
255 East Warm Springs Road, Suite 100
Las Vegas, NV 89119
Attorneys for Plaintiff

MARK GUNDERSON, ESQ.
Gunderson Law Firm
3895 Warren Way
Reno, NV 89509
Attorneys for Defendant Ryan Tors

CLARK V. VELLIS, ESQ.
Cotton, Driggs, Walch, Holley, Woloson & Thompson
800 S. Meadows Parkway, Suite 800
Reno, NV 89521
Attorneys for Defendant Peppermill Casinos, Inc.

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
tkinnally@cohenjohnson.com
Attorneys for Plaintiff

MARK GUNDERSON, ESQ.
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Attorneys for Defendant Ryan Tors

CLARK V. VELLIS, ESQ.
Cotton, Driggs, Walch, Holley, Woloson & Thompson
Email: cvellis@nevadafirm.com
Attorneys for Defendant Peppermill Casinos, Inc.

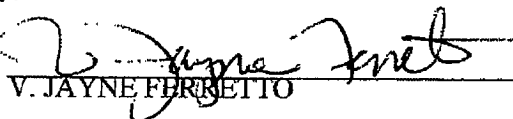
by electronic email addressed to the above.

by personal delivery/hand delivery addressed to:

by facsimile (fax) addressed to:

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

DATED: This 3rd day of July, 2014.


V. JAYNE FERRETTO

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EXHIBIT LIST

| <u>Exhibit No.</u> | <u>Description</u> | <u>Pages</u> |
|---------------------------|--|---------------------|
| 1 | List of Subject Matters and Items for Persons Most Knowledgeable | 3 pages |

FILED
Electronically
2014-07-03 03:22:47 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4504131 : azion

EXHIBIT 1

EXHIBIT 1

EXHIBIT 1

**TOPICS UPON WHICH DEONENTS MOST KNOWLEDGEABLE SHALL TESTIFY
AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO PLAINTIFF
ORGANIZATION:**

1. The Person Most Knowledgeable about the manner in which Plaintiff GSR tracks players of slot machines at the Grand Sierra Resort for the period of time from January 1, 2009, to and including the present, including online slot player tracking systems.
2. The Person Most Knowledgeable about the manner in which Plaintiff GSR tracks the play of each slot machine on the floor at GSR or utilized by GSR for the period of time from January 1, 2009, to the present.
3. The PAR settings for each slot machine utilized by GSR for a period of time from December 31, 2009, to the present.
4. The Person Most Knowledgeable about the changes utilized and implemented by GSR for changing the PAR settings for the period of time from December 31, 2009, to the present, including any schedules or documents showing changes in the PAR settings and the reasons for the changes.
5. The Person Most Knowledgeable about the strategies involved in setting the pars for the machines utilized by GSR from December 31, 2009, to the present.
6. The Person Most Knowledgeable about the names and addresses of each and every slot customer of GSR who, since July 12, 2013, played slot machines at the Peppermill as a result of the activities of Ryan Tors described in the Complaint on file in this matter.
7. The Person Most Knowledgeable about the use the Peppermill made of the information obtained by Ryan Tors on July 12, 2013.
8. The Person or Persons Most Knowledgeable about any financial loss and/or damages caused to the GSR by the activities of Ryan Tors described in the Complaint on file herein.
9. The financial harm and/or damages caused to the GSR by the activities described in the Complaint filed in this matter caused by the Peppermill, separate and distinct from the damages caused by Ryan Tors.
10. The Person Most Knowledgeable about GSR's marketing plans, promotions, program for market share for slot play and market strategies to attract slot customers to play slot machines at GSR for a period of time from January 1, 2011, to the present.
11. GSR's Person Most Knowledgeable about its own use of Master Key 2341 in or at the GSR and any other casino property from January 1, 2012, to the present.

- 1 12. The Person Most Knowledgeable concerning the player tracking and slot performance of
2 GSR's slot machines 951, 440, 855, 486, 1646 and 20042.
- 3 13. The Person Most Knowledgeable about the specific customers and patrons who play the
4 slot machines identified as 951, 440, 855, 486, 1646 and 20042.
- 5 14. The Person Most Knowledgeable about the use made of the information obtained by Ryan
6 Tors by the Defendant Peppermill Casinos, Inc.
- 7 15. The Person Most Knowledgeable about the statements made by Ryan Tors while on the
8 GSR property on July 12, 2013.
- 9 16. The Person Most Knowledgeable about the specific and precise accounting information
10 obtained and data accessed by Ryan Tors at the GSR.
- 11 17. The Person Most Knowledgeable about the "diagnostics" received, accessed or retrieved by
12 Ryan Tors as a result of the activities described in GSR's Complaint on July 12, 2013.
- 13 18. The Person Most Knowledgeable about all written, oral and documentary communications
14 between GSR and other gaming properties in Washoe County concerning the activities of
15 Ryan Tors as described in GSR's Complaint since July 12, 2013.
- 16 19. The Person Most Knowledgeable about how, when and where the Peppermill made any use
17 whatsoever of the data and diagnostics allegedly retrieved by Ryan Tors on July 12, 2013.
- 18 20. The Person Most Knowledgeable about the efforts made by the GSR to preserve the
19 secrecy and alleged confidentiality of the par settings on the slot machines utilized by the
20 GSR during the years 2009 through and including the present.
- 21 21. The Person Most Knowledgeable about the "independent economic value" of the
22 information obtained by Ryan Tors on July 13, 2013.
- 23 22. The Person Most Knowledgeable about GSR's allegation that the Peppermill will "likely
24 continue to misappropriate trade secrets" of the GSR.
- 25 23. The Person Most Knowledgeable about the allegation that the Peppermill intended to
26 financially harm the GSR.
- 27 24. The Person Most Knowledgeable about GSR's allegation that the acts and conduct of Ryan
28 Tors on July 13, 2013, were ratified and approved by management at the Peppermill.
- 25 25. The Person Most Knowledgeable about all investigative reports generated by the GSR
26 concerning the activities of Ryan Tors at the GSR on July 13, 2013.
- 27 26. The Person Most Knowledgeable about daily detailed slot machine performance data for

1 each slot machine at GSR for each month from December 29, 2009, to the present,
2 including for each slot machine the following:

- 3 27. The Person Most Knowledgeable about any audit performed on the slot machines and slot
4 play from December 29, 2009, through and including the present.
- 5 28. The Person Most Knowledgeable about the NGC 31 Monthly Gross Revenue Statistical
6 Report submitted to the Nevada Gaming Authorities for the period December 2009 through
7 and including the present.
- 8 29. The Person Most Knowledgeable about the marketing reasons and business strategies for
9 the GSR's advertisements that it has the "Loosest Pay Tables Allowed" for the following
10 slot games:
- 11 a. Lil' Red;
 - 12 b. Colossal Wizard;
 - 13 c. Giant's Gold;
 - 14 d. Forbidden Dragon;
 - 15 e. Spartacus;
 - 16 f. Tower of the Temple;
 - 17 g. Triton's Gold;
 - 18 h. Van Helsing;
 - 19 i. Zodiac Sisters;
 - 20 j. Jungle Wild II; and
 - 21 k. Queen of the Wild II.
- 22 30. The Person Most Knowledgeable about all of GSR's marketing and advertising strategies
23 to publicize loose pay tables for its slot machines.
- 24
- 25
- 26
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Jayne Ferretto

From: eflex@washoecourts.us
Sent: Thursday, July 03, 2014 4:10 PM
To: Kent Robison
Cc: Jayne Ferretto
Subject: NEF: MEI-GSR HOLDINGS VS PEPPERMILL CASINOS; ETAL (B7): Supplemental ...: CV13-01704

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
PROOF OF SERVICE OF ELECTRONIC FILING

A filing has been submitted to the court RE: CV13-01704

Judge: HONORABLE PATRICK FLANAGAN

Official File Stamp: 07-03-2014:15:22:47
Clerk Accepted: 07-03-2014:16:09:42
Court: Second Judicial District Court - State of Nevada
Civil
Case Title: MEI-GSR HOLDINGS VS PEPPERMILL CASINOS; ETAL (B7)
Document(s) Submitted: Supplemental ...
- **Continuation
Filed By: Kent R. Robison

You may review this filing by clicking on the following link to take you to your [cases](#).

This notice was automatically generated by the courts auto-notification system.

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

ALISA NAVE-WORTH, ESQ. for PEPPERMILL CASINOS, INC.
CLARK V. VELLIS, ESQ. for PEPPERMILL CASINOS, INC.
H. STAN JOHNSON, ESQ. for MEI-GSR HOLDINGS, LLC
KEEGAN GRAHAM LOW, ESQ. for PEPPERMILL CASINOS, INC.
KENT RICHARD ROBISON, ESQ. for PEPPERMILL CASINOS, INC.
JOHN R. FUNK, ESQ. for RYAN TORS
MARK HARLAN GUNDERSON, ESQ. for RYAN TORS

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

THERESE M. SHANKS, ESQ. for PEPPERMILL CASINOS, INC.

EXHIBIT 11

EXHIBIT 11

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1. I have been engaged as an expert consultant in the MEI-GSR Holdings, LLC, d/b/a Grand Sierra Resort v. Peppermill Casinos, Inc. action, Case No. CV13-01704.

3. In order to determine whether a royalty damage model exists and, if it does, it is necessary for me to analyze the following:

(b) The documents requested in Requests Nos. 2, 4, 5, 6, 7, 10, 11, 12, 20, 21, 22, 29 and 30 of Defendant Peppermill's First Set of Requests for Production of Documents to Plaintiff GSR.

5. Attached is a copy of my Curriculum Vita which identifies my credentials, experience and education relating to gaming matters.

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

ANTHONY F. LUCAS, Ph.D.

1 **1830**
2 GUNDERSON LAW FIRM
3 Mark H. Gunderson, Esq.
4 Nevada State Bar No. 2134
5 John R. Funk, Esq.
6 Nevada State Bar No. 12372
7 3895 Warren Way
8 Reno, Nevada 89509
9 Telephone: 775.829.1222
10 Facsimile: 775.829.1226
11 Attorneys for Ryan Tors

12
13 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
14
15 IN AND FOR THE COUNTY OF WASHOE

16 MEI-GSR HOLDINGS, LLC, a Nevada Corporation, d/b/a GRAND SIERRA RESORT, Case No. CV13-01704

Dept. No. B7

Plaintiff,

BUSINESS COURT DOCKET

vs.

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

Defendant.

21 **JOINDER TO MOTION FOR TERMINATING SANCTIONS OR, IN THE**
22 **ALTERNATIVE, MOTION TO COMPEL DISCOVERY**

23 RYAN TORS, an individual, by and through his counsel of record, Mark H. Gunderson,
24 Esq., and John R. Funk, Esq., files this *Joinder to the Motion For Terminating Sanctions Or, In the*
25 *Alternative, Motion to Compel Discovery* filed by Defendant PEPPERMILL CASINOS, INC.

26 **AFFIRMATION**

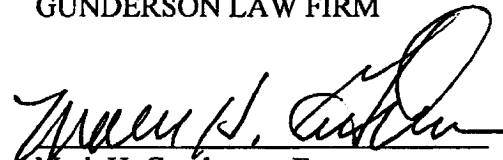
27 The undersigned does hereby affirm that the preceding document **JOINDER TO MOTION**
28 **FOR TERMINATING SANCTIONS OR, IN THE ALTERNATIVE, MOTION TO**

1 **COMPEL DISCOVERY**, filed in the Second Judicial District Court of the State of Nevada,
2 County of Washoe, does not contain the social security number of any person.

3 DATED this 28 day of August, 2014.

4 GUNDERSON LAW FIRM

6 By:



7 Mark H. Gunderson, Esq.
8 Nevada State Bar No. 2134
9 John R. Funk, Esq.
10 Nevada State Bar No. 12372
11 Attorneys for Ryan Tors
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1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the law office of GUNDERSON LAW FIRM, and on the
3 28 day of August, 2014 I e-filed the **JOINDER TO MOTION FOR TERMINATING**
4 **SANCTIONS OR, IN THE ALTERNATIVE, MOTION TO COMPEL DISCOVERY** and a
5 copy will be electronically mailed by the Second Judicial District Court through the ECF system to
6 the following:

7 H. Stan Johnson, Esq.
8 Terry Kinnally, Esq.
9 Cohen-Johnson, LLC
10 255 E. Warm Springs Road
11 Suite 100
12 Las Vegas, NV 89119
13 *sjohnson@cohenjohnson.com*
14 *tkinnally@cohenjohnson.com*
15 *Attorneys for MEI-GSR Holdings, LLC*

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Keegan G. Low, Esq.
Therese M. Shanks, Esq.
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klow@rbsllaw.com
tshanks@rbsllaw.com
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dba Peppermill Casino

15 Clark V. Vellis, Esq.
16 Cotton, Driggs, Walch,
17 Holley Woloson & Thompson
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19 Suite 800
20 Reno, NV 89521
21 *cvellis@nevadafirm.com*
22 *Attorneys for Peppermill Casinos, Inc.*
23 *dba Peppermill Casino*

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Attorney General
Michael P. Soms
Senior Deputy Attorney General
Darlene B. Caruso
Deputy Attorney General
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dcaruso@ag.nv.gov
msoms@ag.nv.gov
Attorneys for State of Nevada, Gaming
Control Board

24 *Cindy Stockwell*
25 Cindy Stockwell

1650
KENT R. ROBISON, ESQ. - NSB #1167
krobison@rbsllaw.com
KEEGAN G. LOW, ESQ. - NSB #307
klow@rbsllaw.com
THERESE M. SHANKS, ESQ. - NSB # 12890
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Robison, Belaustegui, Sharp & Low
A Professional Corporation
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Telephone: (775) 329-3151
Facsimile: (775) 329-7169

IN ASSOCIATION WITH:

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Telephone: (775) 851-8700
Facsimile: (775) 851-7681

*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).

**ERRATA TO MOTION FOR TERMINATING SANCTIONS OR, IN THE
ALTERNATIVE, MOTION TO COMPEL DISCOVERY**

Defendant Peppermill Casinos, Inc., a Nevada corporation, d/b/a Peppermill Casino
("Peppermill") hereby files this Errata to the Motion for Terminating Sanctions or, in the
Alternative, Motion to Compel Discovery filed August 25, 2014. The Curriculum Vita of Anthony

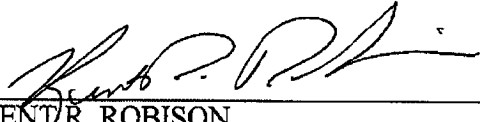
1 F. Lucas, Ph.D., was inadvertently omitted from Exhibit 11, the Declaration of Anthony F. Lucas,
2 Ph.D., and is therefore attached hereto.

3
4 **AFFIRMATION**
Pursuant to NRS 239B.030

5 The undersigned does hereby affirm that this document does not contain the social security
6 number of any person.

7 DATED this 3rd day of September, 2014.

8 ROBISON, BELAUSTEGUI, SHARP & LOW
9 A Professional Corporation
10 71 Washington Street
11 Reno, Nevada 89503

12 
13 KENT R. ROBISON
14 KEEGAN G. LOW
15 THERESE M. SHANKS
16 Attorneys for Defendant
17 Peppermill Casinos, Inc., d/b/a Peppermill Casino

18 IN ASSOCIATION WITH:

19 CLARK V. VELLIS, ESQ.
20 Cotton, Driggs, Walch, Holley, Woloson
21 & Thompson
22 800 S. Meadows Parkway, Suite 800
23 Reno, Nevada 89521
24
25
26
27
28

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 **ERRATA TO MOTION FOR TERMINATING SANCTIONS OR, IN THE ALTERNATIVE, MOTION TO COMPEL DISCOVERY**

— 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
tkinnally@cohenjohnson.com
Attorneys for Plaintiff

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Email: mgunderson@gundersonlaw.com
Attorneys for Defendant Ryan Tors

CLARK V. VELLIS, ESQ.
Cotton, Driggs, Walch, Holley, Woloson & Thompson
Email: 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
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 3rd day of September, 2014.


V. JAYNE FERRETTO

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EXHIBIT LIST

| <u>NO.</u> | <u>DESCRIPTION</u> | <u>PAGES</u> |
|-------------------|--|---------------------|
| 11 | Declaration of Anthony F. Lucas, Ph.D. | 26 |

Robison, Belaustegui,
Sharp & Low
71 Washington St.
Reno, NV 89503
(775) 329-3151

EXHIBIT 11

EXHIBIT 11

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1. I have been engaged as an expert consultant in the MEI-GSR Holdings, LLC, d/b/a Grand Sierra Resort v. Peppermill Casinos, Inc. action, Case No. CV13-01704.

3. In order to determine whether a royalty damage model exists and, if it does, it is necessary for me to analyze the following:

(b) The documents requested in Requests Nos. 2, 4, 5, 6, 7, 10, 11, 12, 20, 21, 22, 29 and 30 of Defendant Peppermill's First Set of Requests for Production of Documents to Plaintiff GSR.

5. Attached is a copy of my Curriculum Vita which identifies my credentials, experience and education relating to gaming matters.

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

ANTHONY F. LUCAS, Ph.D.

Curriculum Vita
Anthony F. Lucas

Contact Information

Address: 2562 Deer Season Street Telephone: (702) 300-6064
Henderson, NV 89052 E-mail: AFL2@cox.net

Education

Ph.D. Hotel Administration; Marketing Major
University of Nevada, Las Vegas, 2000
Advisor, Dr. John Bowen, Ph.D.

M.B.A. University of Nevada, Las Vegas, 1992

B.S. Accounting
Ball State University, Muncie, Indiana, 1986

Academic Experience

2012 - Current Professor, Casino Management, UNLV, William F. Harrah College of Hotel Administration.

2006 - 2012 Associate Professor, Casino Management, UNLV, William F. Harrah College of Hotel Administration.

2001 - 2006 Assistant Professor, Casino Management, UNLV, William F. Harrah College of Hotel Administration.

Industry Experience

2008-Current Founder and Managing Member of Gamma, Ltd., a research-based company formed to provide consulting services to the gaming industry. Gamma also develops original gaming content in the form of slots and table games.

1994-1998 Senior Casino Analyst, Palace Station Hotel Casino, Las Vegas, Nevada. This position required the management of all financial, operations, and labor analysts. Responsibilities included the annual production of the operating budget, analysis and comparison of competing capital investment projects, and extensive labor analysis and reporting. Conducted operations analysis for all departments. Analyzed the effectiveness of marketing programs and events.

1993-1994 Financial Analyst, MGM Grand Hotel Casino, Las Vegas, Nevada. Involved in forecasting revenues and feasibility studies for various projects and attractions. Responsibilities also included the preparation of capital and operating budgets, operations analysis, and analysis of marketing programs.

1987-1990 Financial Analyst, Harvey's Hotel Casino, Lake Tahoe, Nevada. Analyzed competing expansion opportunities via pro forma modeling. Involved in the capital and operating budgeting process and performed extensive operations analysis across all revenue producing departments. Analyzed casino marketing and property marketing programs and activities.

Board Membership

2011–Current Advisory Board Member, Ocho Global, LLC.

Awards

- Boyd Award for Research (2009), William F. Harrah College of Hotel Administration.
- Best Paper Award (2006), Las Vegas International Hospitality & Convention Summit.
- Article of the Year (2002), Cornell Hotel & Restaurant Administration Quarterly.
- I-CHRIE's W. Bradford Wiley Memorial Research Award, 2002, for best original research paper in the hospitality discipline.
- Ace Denkin Fellowship, 1998 – 2000.
- Outstanding Paper Award, Graduate Education and Graduate Student Research Conference, 1999.
- Hilton Distinguished Scholar Award, 1990 & 1991.

Refereed/Peer Reviewed Journal Articles

Singh, A.K., Lucas, A.F., Dalpatadu, R.J. & Murphy, D.J. (2013). Casino games and the Central Limit Theorem. *UNLV Gaming Research & Review Journal*, 17(2). See also, <http://digitalscholarship.unlv.edu/grrj/vol17/iss2/4>.

Lucas, A.F. (2013). Examining the link between poker room business volume and gaming activity in slots and table games: A closer look at a key assumption in the full service theory. *UNLV Gaming Research & Review Journal*, 17(1), 43-63. See also, <http://digitalscholarship.unlv.edu/grrj/vol17/iss1/4/>.

Lucas, A.F. (2013). Estimating the Impact of Las Vegas Poker Rooms on Slot and Table Game Business Volumes: Does Poker Really Carry its Weight? *Cornell Hospitality Quarterly*, 54(4), 347-357. DOI 10.1177/1938965513483921.

Kalargyrou, V., Singh, A.K., & Lucas, A.F. (2012). Estimating the effect of racino restaurant sales on slot wagering volume, *International Journal of Contemporary Hospitality Management*, 24(7), 1088-1099.

Abarbanel, B.L.L., Lucas, A.F., & Singh, A.K. (2011). Estimating the indirect effect of sports books on other in-house gaming volumes. *UNLV Gaming Research & Review Journal*, 15(2), 77-90.

Singh, A.K., Dalpatadu, R., & Lucas, A.F. (2011). The Probability Distribution of the Sum of Several Dice with Applications to Gaming. *UNLV Gaming Research & Review Journal*, 15(2), 109-118.

Tanford, S. & Lucas, A.F. (2011). The indirect impact of casual dining on low-end gaming in destination and local casinos. *International Journal of Hospitality Management*, 30(3), 486-494.

Lucas, A.F. & Singh, A.K. (2011). Estimating the ability of gamblers to detect differences in the payback percentages of reel slot machines: A closer look at the slot player experience. *UNLV Gaming Research & Review Journal*, 15(1), 17-36.

Lucas, A.F. (2011). Estimating untracked gaming volumes by hotel occupancy segment. *Cornell Hospitality Quarterly*, 52(2), 209-218.

Suh, E. & Lucas, A.F. (2011). Estimating the impact of entertainment on the gaming volume of Las Vegas hotel casinos. *International Journal of Hospitality Management*, 30(1), 103-111.

Lucas, A.F. & Tanford S. (2010). Evaluating the impact of a new resort amenity on gaming business volumes. *UNLV Gaming Research & Review Journal*, 14(2), 1-13.

Lucas, A.F., Singh, A.K., Gewali, L.P., & Singh, A. (2009). An application of spatial population partitioning using Vornoi diagrams: An analysis of slot machine performance data. *Journal of Travel & Tourism Marketing*, 26(4), 415-429.

Bernhard, B. J., Lucas, A. F., Jang, D., & Kim, J. (2008). Responsible gaming device research report. *UNLV Gaming Research & Review Journal*, 12 (1/2), Supplemental pagination, 1-56.

Lucas, A.F., & Singh, A.K. (2008). Decreases in a slot machine's coefficient of variation lead to increases in customer play time. *Cornell Hospitality Quarterly*, 49(2), 122-133.

Eisendrath, D., Bernhard, B.J., Lucas, A.F., Murphy, D.J. (2008). Fear and managing in Las Vegas: An analysis of the effects of September 11, 2001, on Las Vegas Strip gaming volume. *Cornell Hospitality Quarterly*, 49(2), 145-162.

Bernhard, B.J., Green, M.S., & Lucas, A.F. (2008). From maverick to mafia to MBA: Gaming industry leadership in Las Vegas from 1931 through 2007. *Cornell Hospitality Quarterly*, 49(2), 177-190.

- Lucas, A.F., Singh, A.K., & Gewali, L. (2007). Simulating the effect of pay table standard deviation on pulls per losing player at the single-visit level. *UNLV Gaming Research & Review Journal*, 11(1), 41-52.
- Lucas, A.F., Dunn, W.T., & Kharitonova, A. (2006). Estimating the indirect gaming contribution of bingo rooms. *UNLV Gaming Research & Review Journal*, 10(2), 39-54. Won Best Paper Award at the 2006 Las Vegas International Hospitality & Convention Summit.
- Lucas, A.F., & Brandmeir, K. (2005). Estimating the short-term effects of an increase in par on reel slot performance. *Gaming Research & Review Journal*, 9(2), 1-13.
- Lucas, A.F., Dunn, W.T., & Singh, A.K. (2005). Estimating the short-term effect of free-play offers in a Las Vegas hotel casino. *Journal of Travel & Tourism Marketing* 18(2), 53-68.
- Lucas, A.F., & Dunn, W.T. (2005). Estimating the effects of micro-location variables and game characteristics on slot machine volume: A performance – potential model. *Journal of Hospitality & Tourism Research*, 29(2), 170-193.
- Lucas, A.F. (2004). Estimating the impact of match-play promotional offers on the blackjack business volume of a Las Vegas hotel casino. *Journal of Travel & Tourism Marketing*, 17(4), 23-33.
- Lucas, A.F., Dunn, W., Roehl, W.S., & Wolcott, G. (2004). Evaluating slot machine performance: A performance-potential model. *International Journal of Hospitality Management*, 23(2), 103-121.
- Salmon, J., Lucas, A.F., Kilby, J., & Dalbor, M. (2004). Assessing discount policies and practices within the casino industry. *Gaming Research & Review Journal*, 8(2), 11-25.
- Lucas, A.F. (2003). The determinants and effects of slot servicescape satisfaction in a Las Vegas hotel casino. *Gaming Research & Review Journal*, 7(1), 1-20.
- Lucas, A.F., & Santos, J. (2003). Measuring the effect of casino-operated restaurant volume on slot machine business volume: An exploratory study. *Journal of Hospitality and Tourism Research*, 27(1), 101-117.
- Lucas, A.F. & Bowen, J.T. (2002). Measuring the effectiveness of casino promotions. *International Journal of Hospitality Management*, 21(2), 189-202. Won I-CHRIE's W. Bradford Wiley Memorial Research Award for best original research paper in 2002.
- Lucas, A.F., & Kilby, J. (2002). Table games match play offers: Measurement & effectiveness issues [Special gaming issue]. *Bottomline*, 17(1), 18-21.

Lucas, A.F., Kilby, J. & Santos, J. (2002). Assessing the profitability of the premium player segment. *Cornell Hotel & Restaurant Administration Quarterly*, 43(4), 65-78. Won Cornell Quarterly's Best Article Award for 2002.

Lucas, A.F., & Roehl, W.S. (2002). Influences on video poker machine performance: Measuring the effect of floor location. *Journal of Travel & Tourism Marketing*, 12(4), 75-92.

Lucas, A.F. & Brewer, K.P. (2001). Managing the slot operations of a hotel casino in the Las Vegas locals' market. *Journal of Hospitality & Tourism Research*, 25(3), 289-301.

Textbooks

Lucas, A.F. & Kilby, J. (2013). *Casino Management & Marketing Case Studies*, San Diego: Gamma.

Lucas, A.F. & Kilby, J. (2012). *Introduction to Casino Management*, San Diego: Gamma.

Lucas, A.F., & Kilby, J. (2008). *Principles of Casino Marketing*, San Diego: Gamma.

Kilby, J., Fox, J., & Lucas, A.F. (2004). *Casino Operations Management*, 2nd Edition, New York: Wiley. As of 2011, this book is also available in Mandarin Chinese.

Published Conference Proceedings

Tanford, S. & Lucas, A.F. (2010, July). Evaluating the indirect impact of resort casino amenities on gaming revenues. *CD proceedings of the Harrah Hospitality Research Summit*, Las Vegas, Nevada.

Lucas, A.F., & Kalargyrou, V. (2008, July). Estimating untracked gaming volumes by hotel occupancy segment. *4th International Conference on Tourism*, Athens, Greece.

Young, L.B., Ollstein, B.W., & Lucas, A.F. (2008). Estimating a casino poker room's indirect gaming contribution. CD proceedings of the 13th Annual Graduation Education and Graduate Student Research Conference in Hospitality and Tourism.

Lucas, A.F., & Singh, A.K. (2007). Simulating the effect of a slot machine's coefficient of variation on pulls per losing player at the single-visit level. CD proceedings of the Las Vegas International Hospitality and Convention Summit.

Lucas, A.F., Dunn, W.T., & Kharitonova, A. (2006). Estimating the indirect gaming contribution of bingo rooms. *CD proceedings of the Las Vegas International Hospitality and Convention Summit*.

Lucas, A.F., & Brandmeir, K. (2005). Estimating the short-term effects of an increase in par on reel slot performance. *CD proceedings of the Las Vegas International Hospitality and Convention Summit*.

Boo, S., & Lucas, A.F. (2005). Approaches to studying bank size in casino servicescapes. *CD proceedings of the Las Vegas International Hospitality and Convention Summit*.

Lucas, A.F., & Brandmeir, K. (2005). The impact of monetary and non-monetary promotions on slot machine volume. *CD proceedings of the Las Vegas International Hospitality and Convention Summit*.

Lucas, A.F., Dunn, W.T., & Singh, A.K. (2004). Estimating the short-term effect of free-play offers in a Las Vegas hotel casino. *CD Proceedings of the Las Vegas International Hospitality and Convention Summit, 1*, 176-193.

Suh, E., Erdem, M., Lucas, A.F., & Ramdeen, C. (2004). Effects of slot gaming experience on customers' repeat gaming intentions in Las Vegas hotel and casino. *CD Proceedings of the Las Vegas International Hospitality and Convention Summit, 1*, 257-274.

Kilby, J., & Lucas, A.F. (2001). Taking the "High" out of the high roller. *Global Gaming Expo, G2E, Conference Proceedings*.

Lucas, A.F. & Bowen, J.T. (2000). Measuring the Effectiveness of Casino Promotions in the Las Vegas Market. In C.B. Mok & A.L. DeFranco (Eds.), *Advances in Hospitality and Tourism Research: Vol. 5. Proceedings of the Fifth Annual Graduate Education and Graduate Students Research Conference in Hospitality and Tourism*. Binghamton, NY: Haworth Press.

Lucas, A.F. & Roehl, W.S. (1999). Using regression analysis to manage the slot floor: An analysis of machine location and characteristics. In J. Miller & P.J. Bagdan (Eds.), *Advances in Hospitality and Tourism Research: Vol. 4. Proceedings of the Fourth Annual Graduate Education and Graduate Students Research Conference in Hospitality and Tourism*. Binghamton, NY: Haworth Press.

Trade Publications

Bernhard, B.J., Abarbanel, B.L.L., Lucas, A.F., Sahl, D., & Philander, K. (Sep. 12, 2012). *GlobalScan: Review of Addiction by Design*, 3-26.

Kilby, J. & Lucas, A.F. (2011). Discounting player losses. *Casino Enterprise Management, 9*(9), 72-77.

Acknowledged as a contributor to the American Gaming Association's white paper entitled, "Demystifying slot machines and their impact in the United States." This paper was made available on the AGA's website (www.americangaming.org) in July of 2010.

Lucas, A.F. & Bowen, J.T. (2000). Measuring the Effectiveness of Casino Promotions in the Las Vegas Locals' Market. *Nationwide*, 16(1), 7-9.

Lucas, A.F. & Brewer, K.P. (1999). Managing the Slot Business of a Hotel Casino with Multiple Regression Analysis. *Nationwide*, 14(1), 8-11.

Media (Abridged List)

My comments appear in: Blinder, A. (2014, May 31). Harrah's Tunica Casino to close, hinting at gambling glut. Link: http://www.nytimes.com/2014/06/01/us/harrahs-tunica-casino-to-close-hinting-at-gambling-glut.html?_r=0

Interviewed by Ilya Marritz from New York's NPR affiliate station (2013, December 4). Topic: The success of the Resorts World Casino at Aqueduct Racetrack.

My comments appear in: Kaplan, M. (2013, September 8). "The steely, headless king of Texas hold 'em." *New York Times Magazine*. Link: http://www.nytimes.com/2013/09/08/magazine/poker-computer.html?pagewanted=all&_r=0

My research on the casino servicescape was discussed in: Komenda, E. (2013, April 19). "Myth of casino maze debunked: Casino companies are starting to encourage customers to head outside." *Vegas Inc*. Link: <http://www.vegasinc.com/news/2013/apr/19/myth-casino-maze-debunked-casino-companies-are-sta/#livefyreComments>

My comments appear in: Edwards, J. (2013, March 4). "Nevada's online operators face struggle to survive in intrastate market." *Gambling Compliance*. Link: <http://www.gamblingcompliance.com/node/51056>

Interviewed by Alexandra Berezon, Pulitzer Prize winning journalist from the Wall Street Journal (2013, February 11). Topic: How Pareto's Rule applies to player databases in casinos.

My comments appear in: Ott, T. (2012, July 9). "Horseshoe Casino Cleveland employees count on customers' tips." *Cleveland Plain Dealer*. Link: www.cleveland.com/metro/index.ssf/2012/07/horseshoe_employees_count_on_c.html

Interviewed by ABC News/Discovery Channel (2012, April 19). Topics related to myths associated with the gaming industry, for use in an upcoming television production to be aired on the Discovery Channel.

My comments appear in: Sylvester, R. (2012, April 15). "They're back: Core gamblers are helping Las Vegas gaming industry recover." *Las Vegas Sun*. Link: <http://www.lasvegassun.com/news/2012/apr/15/theyre-back-core-gamblers-are-helping-las-vegas-ga/>

My comments appear in: O'Reiley, T. (2012, March 2). "Old school odds: Riviera offering taste of vintage Vegas gaming." *Las Vegas Sun*. Link: <http://www.lasvegassun.com/news/2012/mar/02/riviera-offering-taste-vintage-vegas-gaming-attrac/>

My comments appear in: O'Reiley, T. (2011, October 1). "Couple accused of dice sliding at Wynn Las Vegas." *Las Vegas Review-Journal*. Link: <http://www.lvrj.com/business/couple-accused-of-dice-sliding-at-wynn-las-vegas-130900938.html>.

My comments appear in: Benston, L. (2011, September 20). "Changing amenities seen as key to maximizing Strip casino profits." *Vegas Inc.* Link: <http://www.vegasinc.com/news/2011/sep/20/changing-amenities-seen-key-maximizing-strip-casin/>.

My comments appear in: Vogel, A. (2011, August 9). "Reinvention of Las Vegas casinos sparks economy in sin city." *Fox News*. Link: <http://www.foxnews.com/us/2011/08/09/reinvention-vegas-casinos-spark-economy-in-sin-city/>.

Televised interview (2011, August 9). *Fox News National Network*. Story: Las Vegas reinvented. Link: <http://video.foxnews.com/v/1101484709001/las-vegas-reinvented/>

2011 research study recognized by several media outlets. Article: Lucas, A.F. & Singh, A.K. (2011). Estimating the ability of gamblers to detect differences in the payback percentages of reel slot machines: A closer look at the slot player experience. *UNLV Gaming Research & Review Journal*, 15(1), 17-36.

- May 11, 2011, *Vegas Inc.* ran a story entitled, "Do slot machine paybacks really matter to players?" Link: <http://www.vegasinc.com/news/2011/may/11/study-challenges-slot-machine/>. Our entire article was also made available for download via the *Vegas Inc.* website.
- May 11, 2011, Appeared on KSNV Channel 3 news. Link to video clip posted on Vegas Inc. website: <http://www.vegasinc.com/news/2011/may/11/study-challenges-slot-machine/>
- Live Radio Interview (Air date: May 17, 2011). I was interviewed by KNPR's Dave Berns, regarding research we performed on the ability of gamblers to detect changes in the house advantage of slot machines. Link to interview: <http://www.knpr.org/son/archive/detail2.cfm?SegmentID=7857&ProgramID=2234>.

Televised interview (2010, December 15). KTNV News 13, Story: Bellagio Heist.

Live radio interview (2010, December 10). KNPR, Story: Inside Baccarat.

Televised Interview (2010, October 28) KRQE Channel 13, New Mexico, Story: Inside N.M.'s Greatest Casino Heist.

My comments appear in: Benston, L. (2010, July 6). South Point's Michael Gaughan gambles on looser slots. *Las Vegas Sun*. Link: <http://www.lasvegassun.com/news/2010/jul/06/gaughan-gambles-looser-slots/>.

Researcher of Distinction. *Hospitality Observer* (Issue 2, Spring 2009).

2008 textbook *Principles of Casino Marketing* has received critical acclaim, as evidenced by endorsements from the popular casino management website Urbino.net and the Dutch trade magazine, *Into the Game*.

Research recognized by *Miami Herald* and *Las Vegas Sun* newspapers:

- Driscoll, A. (2008, May 11). New casinos' success depends on the "Wow", *Miami Herald*, p. 1A.
- Benston, L. (2008, May 19). Post-9/11 cuts may have gone to far. *Las Vegas Sun*.
With a follow-up piece appearing the 5/22/08 edition of the *Las Vegas Sun*.
Research results discussed on KNPR's State of Nevada, hosted by Dave Berns. Our work related to the 9/11 study (listed below) was discussed on the 5/20/08 show.
- Eisendrath, D., Bernhard, B.J., Lucas, A.F., Murphy, D.J. (2008). Fear and managing in Las Vegas: An analysis of the effects of September 11, 2001, on Las Vegas Strip gaming volume. *Cornell Hospitality Quarterly*, 49(2), 145-162.

Television coverage by Channel 8 of our online gaming research presentation to the joint meeting of the NGC and the NGCB (January, 2008). See study listed below.

- Bernhard, B.J., Lucas, A.F., & Shampaner, E. (2007, April). *Internet gambling in Nevada*. Las Vegas, Nevada: UNLV, International Gaming Institute.

Featured Scholar. *Faculty Report 2008 & College Highlights* (a.k.a. the Red Book).

Research recognized by *Men's Health* magazine in The savvy gambler's guide to Sin City, Jan/Feb 2007, p. 78. The issue was published and distributed for sale in December 2006. Given the readership/circulation of this publication, it seemed worthy of mention.

My comments appear in: Benston, L. (2006, October 2). A twist on "baby needs a new pair of shoes." *Las Vegas Sun*. Link: <http://www.lasvegassun.com/news/2006/oct/02/a-twist-on-baby-needs-a-new-pair-of-shoes/>.

Gaming Industry Presentations

Lucas, A.F. (2014, March 28). Four presentations: (1) Slot floor layout; (2) Casino cash flows; (3) Loyalty clubs; and (4) Casino marketing. IGI's seminar for the U.S. Embassy, Colombia & The National Center for State Courts, Colombia, held in Las Vegas, Nevada.

Lucas, A.F. (2013, December 9). Effectiveness of casino marketing activities. Responsible Gaming Council's Insight 2013, Toronto, Canada.

Lucas, A.F. (2013, November 14). Case study: Restaurant operations in a hotel-casino. IGI's seminar for Canadian and First Nations Government & Community Relations Council, Las Vegas, Nevada.

- Lucas, A.F. (2013, November 14). Casino management myths: When research tells conventional wisdom is wrong. IGI's seminar for Canadian and First Nations Government & Community Relations Council, Las Vegas, Nevada.
- Lucas, A.F. (2013, October 17). Slot marketing in a repeater market. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.
- Lucas, A.F. (2013, October 17). Players' club structure and slot tournaments. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.
- Lucas, A.F. (2013, October 17). Analysis of lottery promotions. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.
- Lucas, A.F. (2013, October 17). Table game hold as a management tool. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.
- Lucas, A.F. (2013, October 17). Review of operating results: Strip vs. off-Strip. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.
- Lucas, A.F. (2013, September 20). Estimating the ability of gamblers to detect differences in the payback percentages of reel slot machines. IGI's Seminar for Australian Gaming Managers, Las Vegas, Nevada.
- Lucas, A.F. (2013, September 19). Case study: Restaurant operations in a hotel-casino. IGI's Seminar for Australian Gaming Managers, Las Vegas, Nevada.
- Lucas, A.F. (2013, September 19). Understanding the contributions of amenities in casino resorts. IGI's Seminar for Australian Gaming Managers, Las Vegas, Nevada.
- Lucas, A.F. (2013, September 17). Determinants and effects of the servicescape in the satisfaction process of slot players. IGI's Seminar for Australian Gaming Managers, Las Vegas, Nevada.
- Lucas, A.F. (2013, September 5). Casino marketing. IGI's Seminar for Panamanian Casino Regulators & Operators, Las Vegas, Nevada.
- Lucas, A.F. (2013, September 3). Slot marketing in repeater markets. IGI's Seminar for Panamanian Casino Regulators & Operators, Las Vegas, Nevada.
- Lucas, A.F. (2013, September 3). The effect of showroom entertainment on gaming business volumes. IGI's Seminar for Panamanian Casino Regulators & Operators, Las Vegas, Nevada.
- Lucas, A.F. (2013, September 3). Slot operations. IGI's Seminar for Panamanian Casino Regulators & Operators, Las Vegas, Nevada.

Lucas, A.F. (2013, September 3). The effect of bingo business volume on slot wagering levels. IGI's Seminar for Panamanian Casino Regulators & Operators, Las Vegas, Nevada.

Lucas, A.F. (2013, July 2). Casino marketing. IGI/HRDC joint seminar for gaming management from Kangwon Land Casino in Korea, Las Vegas, Nevada.

Lucas, A.F. (2013, June 13). A Performance Review of Las Vegas Casinos. IGI's Seminar for Australian Gaming Managers, Las Vegas, Nevada.

Lucas, A.F. (2013, June 11). Estimating the ability of gamblers to detect differences in the payback percentages of reel slot machines. IGI's Seminar for Australian Gaming Managers, Las Vegas, Nevada.

Lucas, A.F. (2013, June 11). Introduction to Slot Clubs. IGI's Seminar for Australian Gaming Managers, Las Vegas, Nevada.

Lucas, A.F. (2013, June 10). Slot marketing in repeater markets. IGI's Seminar for Australian Gaming Managers, Las Vegas, Nevada.

Lucas, A.F. (2013, June 4). Casino marketing. IGI/HRDC joint seminar for gaming management from Kangwon Land Casino in Korea, Las Vegas, Nevada.

Lucas, A.F. (2013, April 10). Keynote speaker for Fairfield RSL's Annual Strategic Planning Conference. Topics: (1) Gaming promotions & (2) Relevance of casino-operated restaurants. Lectures delivered by way of teleconference.

Lucas, A.F. (2013, January 15-17). IGI's Seminar for Australian gaming executives, Sydney, Australia. 15 contact hours.

Lucas, A.F. (2013, January 8-10). IGI's Seminar for Australian gaming executives, Sydney, Australia. 15 contact hours.

Lucas, A.F. (2012, October). Introduction to casino promotions. IGI's Seminar for Panamanian Casino Regulators & Operators, Las Vegas, Nevada.

Lucas, A.F. (2012, October). Match-play offers. IGI's Seminar for Panamanian Casino Regulators & Operators, Las Vegas, Nevada.

Lucas, A.F. (2012, October). Sportsbook operations. IGI's Seminar for Panamanian Casino Regulators & Operators, Las Vegas, Nevada.

Lucas, A.F. (2012, October). Slot marketing in a repeater market. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.

- Lucas, A.F. (2012, October). Players' club structure and slot tournaments. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.
- Lucas, A.F. (2012, October). Analysis of lottery promotions. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.
- Lucas, A.F. (2012, October). Table game hold as a management tool. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.
- Lucas, A.F. (2012, October). Review of operating results: Strip vs. off-Strip. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.
- Lucas, A.F. (2012, September). Casino marketing. IGI's Seminar for the Korean Gaming Association, Las Vegas, Nevada.
- Lucas, A.F. (2012, September). Estimating the ability of gamblers to detect differences in the payback percentages of reel slot machines. IGI's Seminar for Australian Gaming Managers, Las Vegas, Nevada.
- Lucas, A.F. (2012, September). Determinants and effects of the servicescape in the satisfaction process of slot players. IGI's Seminar for Australian Gaming Managers, Las Vegas, Nevada.
- Lucas, A.F. (2012, September). Casino marketing and the analysis of drawing-based promotions. IGI's Seminar for Australian Gaming Managers, Las Vegas, Nevada.
- Lucas, A.F. (2012, June). Analysis of lottery promotions. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.
- Lucas, A.F. (2012, June). Table game hold as a management tool. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.
- Lucas, A.F. (2012, April). Gaming management trends: Expansion & contraction. Presented to Australian club managers as part of an IGI training seminar, Las Vegas, Nevada.
- Lucas, A.F. (2011, December). Race & sports book operations. IGI's Seminar for Panamanian Casino Regulators & Operators, Las Vegas, Nevada.
- Lucas, A.F. (2011, December). Table game hold as a management tool. IGI's Seminar for Panamanian Casino Regulators & Operators, Las Vegas, Nevada.
- Lucas, A.F. (2011, December). Slot math. IGI's Seminar for Swedish Gaming Regulators, Las Vegas, Nevada.

- Lucas, A.F. (2011, December). Game mechanics of craps. IGI's Seminar for Swedish Gaming Regulators, Las Vegas, Nevada.
- Lucas, A.F. (2011, November). Slot operations I. IGI's Slot Seminar for Puerto Rican Casino Operators and Regulators, San Juan, Puerto Rico.
- Lucas, A.F. (2011, November). Slot operations II. IGI's Slot Seminar for Puerto Rican Casino Operators and Regulators, San Juan, Puerto Rico.
- Lucas, A.F. (2011, November). Slot math. IGI's Slot Seminar for Puerto Rican Casino Operators and Regulators, San Juan, Puerto Rico.
- Lucas, A.F. (2011, November). Analysis of drawing-based casino promotions. IGI's Slot Seminar for Puerto Rican Casino Operators and Regulators, San Juan, Puerto Rico.
- Lucas, A.F. (2011, November). Introduction to database marketing. IGI's Slot Seminar for Puerto Rican Casino Operators and Regulators, San Juan, Puerto Rico.
- Lucas, A.F. (2011, November). A deeper look into the slot player's experience. IGI's Slot Seminar for Puerto Rican Casino Operators and Regulators, San Juan, Puerto Rico.
- Lucas, A.F. (2011, November). The role of location and game characteristics on slot machine performance. IGI's Slot Seminar for Puerto Rican Casino Operators and Regulators, San Juan, Puerto Rico.
- Lucas, A.F. (2011, November). Designing a slot machine. IGI's Slot Seminar for Puerto Rican Casino Operators and Regulators, San Juan, Puerto Rico.
- Lucas, A.F. (2011, November). Estimating the ability of gamblers to detect differences in the payback percentages of reel slot machines. IGI's Slot Seminar for Puerto Rican Casino Operators and Regulators, San Juan, Puerto Rico.
- Lucas, A.F. (2011, November). Interpreting business intelligence in the casino industry. IGI's Slot Seminar for Puerto Rican Casino Operators and Regulators, San Juan, Puerto Rico.
- Lucas, A.F. (2011, November). Profit structure of repeater-market resorts. IGI's Slot Seminar for Puerto Rican Casino Operators and Regulators, San Juan, Puerto Rico.
- Lucas, A.F. (2011, November). Introduction to slot clubs. IGI's Slot Seminar for Puerto Rican Casino Operators and Regulators, San Juan, Puerto Rico.
- Lucas, A.F. (2011, November). Determinants and effects of the servicescape in the satisfaction process of slot players. IGI's Slot Seminar for Puerto Rican Casino Operators and Regulators, San Juan, Puerto Rico.

Lucas, A.F. (2011, November). Estimating the impact of showroom entertainment on casino gaming volumes. IGI's Slot Seminar for Puerto Rican Casino Operators and Regulators, San Juan, Puerto Rico.

Lucas, A.F. (2011, October). Slot Clubs. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.

Lucas, A.F. (2011, October). Effectiveness of match-play offers. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.

Lucas, A.F. (2011, October). Lottery promotions. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.

Lucas, A.F. (2011, October). Table game hold as a management tool. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.

Lucas, A.F. (2011, September). The effect of restaurant business volume on slot play. Presented to the Australian club managers as part of an IGI training seminar, Las Vegas, Nevada.

Lucas, A.F. (2011, September). The role of the physical environment on slot player satisfaction. Presented to the Australian club managers as part of an IGI training seminar, Las Vegas, Nevada.

Lucas, A.F. (2011, September). A deeper look at the slot player experience. Presented to the Australian club managers as part of an IGI training seminar, Las Vegas, Nevada.

Lucas, A.F. (2011, September). Measuring the effectiveness of free-play offers. Presented to the Australian club managers as part of an IGI training seminar, Las Vegas, Nevada.

Lucas, A.F. (2011, September). Performance-potential modeling on the slot floor. Presented to the Australian club managers as part of an IGI training seminar, Las Vegas, Nevada.

Lucas, A.F. (2011, June). Slot Clubs. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.

Lucas, A.F. (2011, June). Effectiveness of match-play offers. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.

Lucas, A.F. (2011, June). Lottery promotions. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.

Lucas, A.F. (2011, June). Table game hold as a management tool. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.

- Lucas, A.F. (2011, May). Loyalty clubs. Presented to the Australian club managers as part of an IGI training seminar, Las Vegas, Nevada.
- Lucas, A.F. (2011, May). The effect of restaurant business volume on slot play. Presented to the Australian club managers as part of an IGI training seminar, Las Vegas, Nevada.
- Lucas, A.F. (2011, May). The role of the physical environment on slot player satisfaction. Presented to the Australian club managers as part of an IGI training seminar, Las Vegas, Nevada.
- Lucas, A.F. (2011, May). A deeper look at the slot player experience. Presented to the Australian club managers as part of an IGI training seminar, Las Vegas, Nevada.
- Lucas, A.F. (2011, May). Measuring the effectiveness of free-play offers. Presented to the Australian club managers as part of an IGI training seminar, Las Vegas, Nevada.
- Lucas, A.F. (2011, May). The effect of bingo operations on slot play. Presented to the Australian club managers as part of an IGI training seminar, Las Vegas, Nevada.
- Lucas, A.F. (2011, May). Performance-potential modeling on the slot floor. Presented to the Australian club managers as part of an IGI training seminar, Las Vegas, Nevada.
- Lucas, A.F. (2011, April). Mathematics of Casino Games. Presented to marketing executives from IGT in conjunction with an IGI training seminar, Las Vegas, Nevada.
- Lucas, A.F. (2011, May). A deeper look at the slot player experience. Presented to the Australian club managers as part of an IGI training seminar, Las Vegas, Nevada.
- Lucas, A.F. (2010, November). Understanding the Slot Player Experience: Critical Paytable Positioning Strategies. University of Nevada, Reno: Executive Development Program. Lake Tahoe, Nevada.
- Lucas, A.F. (2010, November). The role of the physical environment in slot player satisfaction. Presented to the Australian club managers as part of an IGI training seminar, Las Vegas, Nevada.
- Lucas, A.F. (2010, November). Slot marketing in repeater markets: Effectiveness of free-play offers. Presented to the Australian club managers as part of an IGI training seminar, Las Vegas, Nevada.
- Lucas, A.F. (2010, November). Slot clubs. Presented to the Australian club managers as part of an IGI training seminar, Las Vegas, Nevada.
- Lucas, A.F. (2010, October). Slot Clubs. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.

- Lucas, A.F. (2010, October). Effectiveness of match-play offers. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.
- Lucas, A.F. (2010, October). Lottery promotions. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.
- Lucas, A.F. (2010, October). Table game hold as a management tool. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.
- Lucas, A.F. (2010, September). Multiple presentations (18 contact hours). IGI's Gaming Management Seminar for Grupo Caliente, Tijuana, Mexico.
- Lucas, A.F. (2010, September). A deeper look into the slot player experience. IGI/Compton-Dancer Slot Leadership Seminar, Las Vegas, NV.
- Lucas, A.F. (2010, August). Multiple presentations (21 contact hours). IGI's Gaming Management Seminar for Grupo Caliente, Las Vegas, Nevada.
- Tanford, S. & Lucas, A.F. (2010, June). Evaluating the indirect impact of resort casino amenities on gaming revenues. Harrah Hospitality Research Summit, Las Vegas, Nevada.
- Lucas, A.F. (2010, June). Dead chip programs. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.
- Lucas, A.F. (2010, June). Effectiveness of match-play offers. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.
- Lucas, A.F. (2010, June). Lottery promotions. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.
- Lucas, A.F. (2010, June). Table game hold as a management tool. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.
- Lucas, A.F. (2010, June). Slot marketing in a repeater market. IGI's Casino Auditing Seminar (Level 2), Las Vegas, Nevada.
- Lucas, A.F. (2010, May). Strategies for casino marketing in Las Vegas. Presented to the Korean Gaming Association on behalf of the IGI, Las Vegas, Nevada.
- Lucas, A.F. (2010, March). A deeper look into the slot player experience. IGI/Compton-Dancer Slot Leadership Seminar, Las Vegas, Nevada.
- Lucas, A.F. (2010, January). Estimating the effects of drawing-based promotions on slot business volume. Western Indian Gaming Conference, Palm Springs, California.