IN THE COURT APPEALS OF THE STATE OF NEVADA
SUPREME COURT CASE NO. 75762

GAVIN AND MIHN-HAHN COX,

Petitioners,

v.

THE EIGHTH JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA, CLARK COUNTY AND THE HONORABLE MARK R. DENTON

Respondents.

DAVID COPPERFIELD'S DISAPPEARING, INC.; DAVID COPPERFIELD aka DAVID KOTKIN; MGM GRAND HOTEL, LLC; BACKSTAGE EMPLOYMENT AND REFERRAL, INC.; TEAM CONSTRUCTION MANAGEMENT; and BEACHERS LV, INC.

Real Parties In Interest.

From the Eighth Judicial District Court, Clark Count, Nevada
Case No. A-14-705164-C

REAL PARTIES IN INTEREST EMERGENCY PETITION FOR REHEARING OF ORDER DENYING PETITION FOR WRIT OF MANDAMUS UNDER NRAP 27(E), IMMEDIATE ACTION IS NECESSARY AS THE TRIAL IS ALREADY IN PROGRESS

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18-900975

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AFFIDAVIT OF GIL GLANCZ IN SUPPORT OF REAL PARTIES IN INTEREST EMERGENCY PETITION FOR REHEARING OF ORDER DENYING PETITION FOR WRIT OF MANDAMUS UNDER NRAP 27(E)

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

I, Gil Glancz, being first duly sworn, now depose and say:

1. I am an attorney at law duly licensed to practice in all courts of the State of Nevada, and I am counsel for Real Parties in Interest David Copperfield's Disappearing, Inc,; David Copperfield aka David Kotkin; and MGM Grand Hotel, LLC in this matter.

2. If called as a witness in this matter, I could and would testify to the facts herein, which are presently known to me.

3. I have personal knowledge of the matters set forth herein, and I am competent to testify to the matters set forth in this affidavit, and will do so if called upon.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

GIL GLANCZ

SUBSCRIBED and SWORN to before me
this 9th day of May 2018.

BONNIE K. JUAREZ
NOTARY PUBLIC
STATE OF NEVADA
APPT. No. 05/100332-1
MY APPT. EXPIRES OCT. 1, 2021

NOTARY PUBLIC in and for said
County and State.

RULE 26.1 DISCLOSURE

The undersigned counsel of record certifies that the following are persons and entities as described in Rule 26.1(a) of the Nevada Rules of Appellate Procedure and must be disclosed. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal.

David Copperfield owns 100% of the shares of David Copperfield's Disappearing, Inc.

MGM Resorts International is a publically traded corporation that is the parent corporation of MGM Grand Hotel, LLC.

There are no parent corporations of, or publicly held corporations that hold 10% of, Backstage Employment and Referral, Inc.

There are no parent corporations of, or publicly held corporations that hold 10% of, Team Construction Management, Inc.

DATED: May 9, 2018

SELMAN BREITMAN LLP

By: */s/ Gil Glancz*

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EMERGENCY PETITION FOR REHEARING OF ORDER DENYING PETITION FOR WRIT OF MANDAMUS

COME NOW, David Copperfield's Disappearing, Inc.; David Copperfield aka David Kotkin; MGM Grand Hotel, LLC; Backstage Employment and Referral, Inc.; Team Construction Management, Inc. and Beachers LV, LLC (hereinafter the "Real Parties in Interest"), by and through their respective counsel, hereby submit this Emergency Petition for Rehearing of Order Denying the Petition for Writ pursuant to NRAP 40 and 27(e). Specifically, the Real Parties in Interest are requesting that the dissenting opinion included on this Court's Order be reconsidered and an Amended Order Denying the Petition for Writ of Mandamus be issued after this Court, more specifically the dissenting Justice has considered the arguments of Real Parties in Interest on why the District Court properly exercised its discretion in allowing the jury view. The Real Parties in Interest are entitled to the relief sought as the dissent was issued solely on the Petitioners' writ and without the Real Parties in Interest having an opportunity to provide material facts supporting a jury view or to dispute the facts presented by Petitioners. In addition, the Real Parties in Interest were not afforded an opportunity to present relevant case precedent that directly control issues raised by Petitioners in their writ and plainly supports a jury view in this circumstance. As a result, a number of facts and law were not only overlooked, but were not even presented to this Court when it issued its order.

Rehearing would not typically be available to Real Parties in Interest under these circumstances. Because the writ was denied, Real Parties in Interest should not have been aggrieved by the decision of this Court. In this case, however, the dissent did not merely indicate that the Justice would have required briefing – the dissent expressed an opinion on the merits. Because the majority simply found that writ relief was not appropriate, in effect the dissent was a 1-0 decision on the merits with two justices abstaining. Such a decision could be presumed to weigh heavily with a trial judge trying to avoid a reversal and re-trial of a case which has been in session for over a month.

In *Bahena v. Goodyear Tire & Rubber Co.*, 126 Nev. 606, 609, 245 P.3d 1182, 1184 (2010), the Nevada Supreme Court stated that "rehearings are not granted to review matters that are of no practical consequence." Rehearing is proper in this case because the dissent actually had the practical effect of prejudicing Real Parties in Interest when it became the basis of the District Court *sua sponte* reversing its own order despite the majority of this Court finding that the jury view could proceed.

I. STATEMENT OF FACTS

This case involves an incident that occurred on November 12, 2013 at the David Copperfield Show at the MGM Grand Hotel/Casino. Petitioners are husband and wife Gavin Cox and Minh-Hanh Cox. From the inception of this case

and throughout all pretrial discovery and litigation, Mr. Cox has alleged that while he was participating in the "runaround" portion of the "Thirteen" illusion, he was hurried with no guidance or instruction through a dark area outside of the MGM Grand Hotel/Casino and he slipped and fell on an outdoor concrete path designated for the participants' travel that was allegedly covered with dust. There is no dispute that the area where Mr. Cox fell is located outside of the MGM Grand Hotel/Casino building.

However, Petitioners at trial have spent considerable hours focusing on the point the participants commence their path from point A to point B to reappear, thus bringing into question how the participants were told where to go, the turns and paths they took, the actions of the stagehands who accompanied the participants and the stagehands who assisted them on the route. Based on Petitioners' focus it was clear a jury view was necessary to help the jury put the evidence into context, and that a jury view of both the outside areas of the MGM as well as the layout of the backstage area was warranted under NRS 16.100. As such, on May 4, 2018, at their first opportunity immediately following the close of Petitioners' case-in-chief, all defendants joined in an oral motion requesting a jury view. The motion was made prior to any of the defending parties beginning their respective cases-in-chief. Following roughly an hour of argument by the respective parties both for and against a jury view and the District Court's

extensive consideration of the same[1], the District Court granted the motion for a jury view to occur thirty (30) minutes after sunset of all related areas.[2]

Thereafter on May 7, 2018, Petitioners filed the instant writ of mandamus seeking to overturn the District Court's ruling to allowing a jury view to proceed. The Petitioners' Writ misstated a number of material facts with respect to Petitioners' claims, the scope of the jury view and the evidence presented to date at trial. Nevertheless, this Court denied the writ as it did not believe that extraordinary relief is warranted as the Petitioners have an adequate and speedy legal remedy in the form of an appeal. Although this Court denied the writ, the Order included a dissenting opinion from Justice Silver that set forth that she would grant the writ prohibiting the jurors from viewing the scene. This dissenting opinion expressed an opinion on the merits presented by the Petitioners even though Real Parties in Interest had received no opportunity to brief the facts and law or other due process.

On May 8, 2018, following the issuance of this Court's Order which included the dissenting opinion, the District Court reconsidered its prior ruling with respect to the jury view based at least in part on the dissenting opinion, even after acknowledging that this Court was correct in determining that the writ did not

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[1] See Trial Transcript dated May 4, 2018 at 88:2-129:14, attached hereto as Exhibit "A."

[2] See Exhibit A at 125:4-13

merit extraordinary relief. The District Court considered and referenced the dissenting opinion in announcing its decision to now preclude a jury view, thereby reversing its prior ruling that a jury view may proceed.[3]

II. ARGUMENT

As more specifically described herein, it was improper for this Court to include a dissenting opinion on the merits of the trial court's discretionary decision when the defendants were never offered an opportunity to brief the issue. Here there are numerous material facts and prior case precedence that was not even presented nor considered by this Court that supports the District Court's initial ruling that a jury view is proper including, but not limited to: (A) a trial court has broad discretion whether to allow a view of the subject property; (B) Nevada law is clear that a jury view is not considered evidence; (C) new allegations and evidence presented by Petitioners justified a jury view to place the evidence in context; (D) the fundamental nature of the path is still materially the same and any changes can be easily explained to the jury; and (E) Nevada law is clear that substantial changes to an area does not preclude a jury view. Unfortunately, due to the rules for petitions for rehearing, including the maximum allowable pages, it is difficult for Defendants to provide a complete response to Petitioners' writ that includes all relevant facts and precedence.

[3] See Trial Transcript dated May 8, 2018 at 6:22-32:22, attached hereto as Exhibit "B."

A. A trial court has broad discretion to allow for a jury view

The nature and scope of Petitioners' claims make it proper for the court to order an on-site view of the subject property and backstage areas by the jury. Such a view may be allowed by the Court pursuant to N.R.S. §16.100 which provides:

> When, in the opinion of the court, it is proper for the jury to have a view of the property which is the subject of litigation, or of the place in which any material fact occurred, it may order them to be conducted, in a body, under the charge of an officer, to the place, which shall be shown to them by some person appointed by the court for that purpose. While the jury are thus absent, no person, other than the person so appointed, shall speak to them on any subject connected with the trial.

It is clear from the plain language of the statute that the District Court has the authority to order a jury to view a property located in Las Vegas, Nevada. Even without express statutory authorization there is an inherent power in the trial judge to order a view by the jury. *See* 2 *McCormick on Evidence* § 219 (7th ed. 2013) and 4 *Wigmore on Evidence* § 1163 (1972) (stating a trial "court is empowered to order such a view, in consequence of its ordinary common law function, and irrespective of statutes conferring express power"). The trial court has broad discretion in deciding whether to allow a view of the subject property. *Eikelberger v. State ex rel. Dept. of Highways*, 83 Nev. 306, 310, 429 P.2d 555, 558 (1968); *State ex rel. Department of Highways v. Haapanen*, 448 P.2d 703, 84

Nev. 722 (1968). In the instant matter, the Petitioners provided no basis to support a finding that the District Court abused its discretion by granting the defendants' motion for a jury view. The District Court carefully weighed the parties' arguments and the evidence in the case and determined that the probative value to the jury outweighed any potential harm to Petitioners. While the dissent implied that the District Court's decision was rushed, no such opinion was expressed by the District Court and briefing was not requested. More time was available if the District Court had needed it. Further, the District Court ordered that the jury view take place thirty (30) minutes after sunset, **not** in the daytime as apparently believed by the dissent, to ensure that the conditions would be as close as possible to those at the time of the accident. This was not an unfair procedure for Petitioners.

B. Nevada Law is clear that a jury view is not evidence

A jury view is not evidence, but may enable the jury to more fully appreciate the evidence received during trial. *Love v. Mt. Oddie United Min. Co.*, 43 Nev. 61, 181 P. 133, 184 P. 921 (1919). The purpose of a view is to enable the jury to better understand, comprehend, and apply the evidence introduced at trial. *Id.* While a view of certain property is not evidence, it does enable the trier of fact to better appreciate the evidence received during trial. See *Eikelberger*, 83 Nev. 306, 310, 429 P.2d 555, 558 (1968).

Since a jury view is not considered evidence in Nevada there is no requirement that it has to be disclosed pursuant to NRCP 16.1 or EDCR 2.67. See generally, *Howard v. State*, 232 Md.App. 125, 156 A.3d 981, 990 n.3 (2017) ("An inspection of a crime scene before trial and a jury view of a crime scene during trial are not comparable, because a jury view is not an aspect of discovery or pre-trial procedure.")

Similarly, there is also no requirement in the rules governing jury views that a jury view must be requested at the motion in limine stage, or at any time prior to trial. The purpose of a motion in limine is to avoid the unfairness caused by the presentation of prejudicial or objectionable **evidence** to the jury, and the obviously futile attempt to "unring the bell." *Greer v. Buzgheia*, 46 Cal. Rptr. 3d 780 (Cal. App. 3d Dist. 2006) (emphasis added). As indicated a jury view is not considered evidence in Nevada, therefore a motion in limine technically would not be the proper pleading to bring a request for a jury view. Similarly, there is no requirement that a request for a jury view of a property be made prior to a defendant presenting their case-in-chief. Therefore, Real Parties in Interest had no duty to advise Petitioners that a jury view would be requested, and were entitled to evaluate the Petitioners' case in chief before deciding to request a view as part of the defense case. If the Petitioners had wanted an earlier view, they could certainly have requested one as part of their case.

C. The request for a jury view is the result of petitioners' new allegations as to the cause of Mr. Cox's slip and fall

Mr. Cox has maintained throughout all of discovery and pretrial litigation that the **dust** on the floor caused him to slip and fall. In fact, Mr. Cox testified at his deposition which was read into the record at trial that "whatever was on the floor made me slip and fall."[4] As a result, all discovery and work performed in pretrial litigation by all defendants, including the Real Parties in Interest focused on the specific allegation that the dust caused Mr. Cox to slip and fall.

However, at trial Petitioners have painted a different picture and instead for the first time claimed that there were a number of factors which allegedly caused Mr. Cox to slip and fall the night of the incident. Mr. Cox testified at trial that there were multiple contributing factors that caused him to slip and fall. Specifically Mr. Cox testified as follows:

> Q. . . .In your mind -- or what things caused you to fall? Tell the jurors what you think.
>
> A. ***The instructions to run as fast as you can. The -- the light going from light to dark to light to darkness and running at speed around a corner. The -- I don't know what you call it now -- the – the incline***. And, as I later found out -- not at the time, but in hospital -- I had the whole of my right side covered in dust. And I felt that might have had some part to play, but not -- to my mind, that was more showing where I'd hit the ground, and it might have played a part in the fall. ***But, to my mind, the greater part was the -- the sense of sheer urgency, not knowing where we were going, running, light,***

[4] See Trial Testimony of Gavin Cox dated May 1, 2018 at 50:1-23 and 98:18-99:1-15, attached hereto as Exhibit "C."

darkness -- that -- to me, and taking -- not knowing where we were going next. To me -- to my mind, that's what caused me to slip and fall.[5](Emphasis added)

Mr. Cox testified that his belief that the dust was merely one of the contributing factors that caused him to slip and fall is "what he believes now"[6] **not** what he previously believed throughout pretrial litigation process. This litigation which was initially brought and presented as a typical slip and fall case throughout has turned into anything but that at the actual trial. Instead Petitioners have placed great emphasis on everything related to Mr. Cox's participation in the illusion from the moment the curtains were dropped around the stage prop that Mr. Cox was seated in until he fell. What was once an isolated claim with respect to one small location and the cause of Mr. Cox's fall has instead been turned into an indictment of the illusion as a whole including the entire path of the "runaround".

As a result of the new allegations and the testimony presented by Petitioners, it was determined by all defendants that a jury view was necessary for the jury to have some additional context for the evidence presented. Specifically, the jury is entitled to see the path that was utilized by the audience members participating in the illusion in the context of a walk around in order to gain a proper perspective of the path including the distances, width, angles, corners and turns as there is substantial dispute with respect to the same.

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[5] See Exhibit C at 43:6-23.

[6] See Exhibit C at 51:8-13.

D. The nature of the path is still materially the same and any changes are easily explainable to the jury

Petitioners allege that the District Court heard undisputed evidence that significant changes have been made to the outdoor portion of the path since Mr. Cox allegedly slipped and fell which have impacted the surface, lighting, incline and general overall condition of the path and surrounding area. However, the District Court in reality was presented with substantial evidence that demonstrated that the path is still materially the same as it was on the date of the incident and any changes that have been made are easily explainable to the jury. The various defendants presented evidence at the hearing that the majority of the path has not been changed, including all indoor aspects of the illusion such as the stage area and indoor hallways that Petitioners have only now at trial claimed contributed to Mr. Cox's alleged slip and fall. In addition, the Court was presented with evidence that the area where Mr. Cox actually landed as a result of his fall has not been changed and that the concrete at that location is still the same as on the date of the accident. The most significant changes that have occurred in the outdoor area where Mr. Cox fell are that a curb has been moved, the area has been cleaned over the years, including in preparation for a potential view by the jury, the ramp leading to the area where Mr. Cox fell has been removed and a large tree on the corner has been removed. With respect to those items, Mr. Cox has only claimed now at trial that the ramp may have contributed to his fall. However, based on the evidence

presented to date including video and expert testimony, it is clear that Mr. Cox had already successfully navigated the ramp prior to his fall.[7] Moreover, evidence of these changes in the form of photographs has already been presented to the jury and the changes were explained to the jury.

There is no irreparable harm that Petitioners face with regard to a jury view following their case-in-chief. All parties and the District Court agreed that Petitioners would be able to call a rebuttal witness to explain any changes to the area the jury would view. Moreover the District Court may provide instructions to the jury regarding the changes both prior to and after the jury view.

E. Nevada law is clear that substantial changes to an area do not preclude a jury view

The Nevada Supreme Court has held that substantial changes to a property do not automatically preclude a jury view. *Eikelberger v. State ex rel. Dept. of Highways*, 83 Nev. 306, 429 P.2d 555 (1969). In *Elkelberger*, a jury view was permitted over the objection of the property owner who later contended that the court abused its discretion in allowing a view since the area surrounding the condemned property had drastically changed by the removal of structures and buildings which were there when this suit was started, and at the time of the view about one half of the trailers in the park had been removed. The Supreme Court

[7] See Trail Testimony of John Baker, Ph.D dated May 8, 2018 at 270:25-271:5, 308:23-310:21, 326:6-327:16, 328:9-19, attached hereto as Exhibit "D."

held that the trial court ruling of the jury view was within the limits of proper discretion. The property in issue had not changed in general appearance and witnesses were available to the parties to fully explain any changes in the appearance of the area.

Other jurisdictions have also held that substantial changes to an area do not preclude a jury view. In action for personal injuries sustained when a ladder standing upon a painted cement patio owned by defendants slipped, causing one of the plaintiffs to fall, the trial court did not abuse its discretion in permitting a jury view of the premises, even though there had been certain changes in the patio area, especially in view of fact that the jury was advised of the changes, and was properly instructed as to the purpose of the view. *Sauls v. Scheppler*, 57 Wash.2d 273, 356 P.2d 714, 85 A.L.R.2d 506 (1960). Trial court need not reopen trial for the parties to introduce further evidence to explain conditions found at jury view, but parties may be allowed, and it is sufficient to allow them, to explain in their closing arguments any changes in condition of the premises seen at the view as they relate to the evidence. *Brookhaven Supply Co. v. DeKalb County*, 134 Ga.App. 878, 216 S.E.2d 694 (1975). In ordering a view, the District Court expressly found that the Plaintiffs' capable lawyers had demonstrated an ability to articulate the changes to the jury.

III. CONCLUSION

Based on the foregoing, the Real Parties in Interest are requesting that the dissenting opinion included on this Court's Order be withdrawn and an Amended Order Denying the Petition for Writ of Mandamus be issued. In the Alternative, the Real Parties in Interest request that the defendants be allowed to prepare a comprehensive Answer to the Petitioners' writ before any opinion on the merits of the trial court's discretionary decision is reached.

Respectfully submitted,

DATED: May 9, 2018

SELMAN BREITMAN LLP

By: */s/ Gil Glancz*

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CERTIFICATE OF COMPLIANCE

1. I hereby certify that this brief complies with the formatting requirements of ***NRAP 32(a)(4)***, the typeface requirements of ***NRAP 32(a)(5)*** and the type style requirements of ***NRAP 32(a)(6)*** because this brief has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font.

2. I further certify that this brief complies with the page- or type- volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(c), it is either:

☒ proportionally spaced, has typeface of 14 points or more and contains 3,538 words; or

☐ does not exceed 30 pages.

3. Finally, I hereby certify that I have read this brief, and to the best of my knowledge, information and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular ***NRAP 28(e)(1)***, which requires every assertion in brief regarding matters in the record to be supported by reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found.

4. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with requirements of the Nevada Rules of Appellate Procedure.

DATED: May 9, 2018

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Selman Breitman LLP and, pursuant to:

☐ **BY MAIL:** N.R.C.P. 5(b), I deposited for first class United States mailing, postage prepaid, at Las Vegas, Nevada; or

☒ **BY E-MAIL/ELECTRONIC SERVICE:** N.R.C.P. 5(b)(2)(D) and addressee(s) having consented to electronic service, I served via e-mail or other electronic means to the e-mail address(es) of the addressee(s).

a true and correct copy of the above and foregoing **REAL PARTIES IN INTEREST EMERGENCY PETITION FOR REHEARING OF ORDER DENYING PETITION FOR WRIT OF MANDAMUS UNDER NRAP 27(E), IMMEDIATE ACTION IS NECESSARY AS THE TRIAL IS ALREADY IN PROGRESS**, this 9th day of May 2018, addressed as follows:

SEE ATTACHED SERVICE LIST

/s/ Bonnie Kerkhoff Juarez
BONNIE KERKHOFF JUAREZ
An Employee of Selman Breitman LLP

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IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SUPREME COURT CASE NO. 75762

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THE EIGHTH JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA, CLARK COUNTY AND THE HONORABLE MARK R. DENTON

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Real Parties In Interest.

From the Eighth Judicial District Court, Clark Count, Nevada
Case No. A-14-705164-C

NRAP 27(E), CERTIFICATE

Elaine K. Fresch, Esq., Jerry C. Popovich, Esq., Eric O. Freeman, Esq. and Gil Glancz, Esq., of Selman Breitman LLP, 3993 Howard Hughes Pkwy, Suite 200, Las Vegas, NV 89169, Telephone 702-228-7717, Facsimile 702-228-8824, attorneys for the Real Parties of Interest David Copperfield's Disappearing, Inc.; David Copperfield aka David Kotkin; and MGM Grand Hotel, LLC.

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NRAP 27(E) CERTIFICATE

COME NOW, David Copperfield's Disappearing, Inc.; David Copperfield aka David Kotkin; MGM Grand Hotel, LLC; Backstage Employment and Referral, Inc.; Team Construction Management, Inc. and Beachers LV, LLC (hereinafter the "Real Parties in Interest"), by and through their counsel, hereby submit their Emergency Petition for Rehearing of Order Denying the Petition for Writ pursuant to NRAP 40 and NRAP 27(E).

I. EMERGENCY PETITITON UNDER NRAP 27(E)

A. Telephone Numbers and Addresses of Attorneys for the Parties

1) The Honorable Mark R. Denton
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B. Facts Showing Existence and Nature of the Claimed Emergency

Defendants' request that the dissenting opinion in this Court's Order be reconsidered and an Amended Order be issued after this Court, more specifically the dissenting Justice, has considered the arguments of Defendants on why the District Court properly exercised its discretion in allowing the jury view. Following the issuance of this Court's Order which included the dissenting opinion, The District Court considered and referenced the dissenting opinion in announcing its decision to now preclude a jury view, thereby reversing its prior ruling that a

jury view may proceed. The trial is currently ongoing; however the Real Parties in Interest are rapidly approaching the conclusion of their respective cases-in-chief. The Real Parties in Interest will suffer irreparable harm as they will be unable to proceed with a jury view of the subject property should this Court not intervene. For this reasons, it is imperative this Court hear the Petition in an expedited fashion.

C. Notice of the Emergency Petition for Rehearing of Order Denying the Petition for Writ

The District Court was served via hand delivery and the parties and their counsel were served electronically with the Emergency Petition for Rehearing of Order Denying the Petition for Writ pursuant to NRAP 27(e) simultaneously with the filing of the same.

D. Relief Sought First in the District Court

The relief sought is from an Order issued by the Court of Appeals. Therefore, the relief sought is not available in district court.

DATED: May 9, 2018

SELMAN BREITMAN LLP

By: */s/ Gil Glancz*

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Attorneys for Petitioners DAVID COPPERFIELD'S DISAPPEARING, INC.; DAVID COPPERFIELD aka DAVID KOTKIN; and MGM GRAND HOTEL, LLC

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Selman Breitman LLP and, pursuant to:

☐ **BY MAIL:** N.R.C.P. 5(b), I deposited for first class United States mailing, postage prepaid, at Las Vegas, Nevada; or

☒ **BY E-MAIL/ELECTRONIC SERVICE:** N.R.C.P. 5(b)(2)(D) and addressee(s) having consented to electronic service, I served via e-mail or other electronic means to the e-mail address(es) of the addressee(s).

a true and correct copy of the above and foregoing **NRAP 27(E), CERTIFICATE**, this 9th day of May 2018, addressed as follows:

SEE ATTACHED SERVICE LIST

/s/ Bonnie Kerkhoff Juarez
BONNIE KERKHOFF JUAREZ
An Employee of Selman Breitman LLP

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