

IN THE SUPREME COURT STATE OF NEVADA

**GAVIN COX and MINH-HAHN COX,
Husband and Wife,**

Appellants,

VS.

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

Respondents.

Supreme Court No. 76422

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District Court No. A-14-705164-G
Elizabeth A. Brown
Clerk of Supreme Court

Date: September 16, 2020
Time: 10:30 a.m.

**APPELLANTS' OPPOSITION TO RESPONDENTS
DAVID COPPERFIELD AKA DAVID S. KOTKIN, AND
DAVID COPPERFIELD'S DISAPPEARING, INC.'S
NOTICE OF WRIT REGARDING TRADE SECRET**

Appellants **GAVIN COX** and **MINH-HAHN COX**, by and through their undersigned counsel of record, hereby submit this Opposition to Respondents David Coppefield aka David S. Kotkin, and David Copperfield’s Disappearing, Inc.’s Notice of Writ Regarding Trade Secret, requesting this Court take measures to protect against disclosure of a so-called “trade secret” during oral argument of this matter. The request to close portions of the oral argument is unfounded and should be denied.

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The April 20, 2018. Order Granting Petition for Writ of Mandamus stated in part that “the district court should close the courtroom *only as to information that has not yet been made public* or that overlaps with information that has not been made public.” However, at this point, after a well-publicized trial that was covered thoroughly in television, print, and digital media, no portion of the subject illusion could even arguably remain a trade secret. Specifically, multiple press articles covered the trial in this matter specifically described how the subject illusion is done and even included pictures and/or diagrams. A simple Google search will bear out this fact.

Respondents have provided absolutely no evidence to support their contention that the method of its performance is not well known. Respondents’ have also wholly failed to make the specific showing required to establish that an important countervailing interest exists to justify impinging upon the First Amendment rights of the public and press to observe and record the proceedings in this action. Accordingly, there is no legitimate basis for deeming the methods of the Respondents’ illusion “trade secrets.”

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While Appellants agree that it is unlikely that this oral argument will include facts regarding how the subject illusion is performed, in the event such minor details are raised, it does not necessitate closing the virtual courtroom. Accordingly, Respondent's request should be denied.

DATED this 14 day of September, 2020.

HARRIS & HARRIS

By: _____

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12 day of September, 2020, I served a true and correct copy of the foregoing **APPELLANTS' OPPOSITION TO RESPONDENTS DAVID COPPERFIELD AKA DAVID S. KOTKIN, AND DAVID COPPERFIELD'S DISAPPEARING, INC.'S NOTICE OF WRIT REGARDING TRADE SECRET**, addressed to the following counsel of record at the following address(es):

_____ **VIA U.S. MAIL:** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, addressed as indicated on service list below in the United States mail at Las Vegas, Nevada.

_____ **VIA FACSIMILE:** by causing a true copy thereof to be telecopied to the number indicated on the service list below.

 X **VIA ELECTRONIC: FILE ONLY / FILE AND SERVE / SERVICE ONLY** by causing a true copy thereof to be electronically submitted through Nevada Supreme Court efilng program.

_____ **VIA PERSONAL DELIVERY:** by causing a true copy hereof to be hand delivered on this date to the addressee(s) at the address(es) set forth on the service list below.

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