

IN THE SUPREME COURT OF THE STATE OF NEVADA

NEWS+MEDIA CAPITAL GROUP
LLC, a Delaware limited liability
company; and LAS VEGAS
REVIEW-JOURNAL, INC., a
Delaware corporation,

Appellants/Cross-
Respondents

v.

LAS VEGAS SUN, INC., a Nevada
corporation,

Respondent/Cross-
Appellant.

Supreme Court No. 80511

Electronically Filed
Jun 01 2020 10:26 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPELLANTS/CROSS-RESPONDENTS' APPENDIX
VOL. 7

Appeal from the Eighth Judicial District Court of the State of
Nevada in and for the County of Clark
The Honorable Timothy Williams
District Court Case No: A-18-772591-B

KEMP JONES, LLP
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Michael J. Gayan (#11135)
Mona Kaveh (#11825)
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Respondents*

**APPELLANTS' APPENDIX
ALPHABETICAL INDEX**

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02/28/2020	Defendants' Amended Notice of Appeal in State Court (Including Exhibits)	V	994-1029
12/14/2018	Defendants' Answer to First Amended Complaint	I	117-146
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09/19/2019	Defendants' Motion to Vacate Arbitration Award and Declaration of Michael Gayan in support, with Exhibits A-D [Filed Under Seal/Portions Redacted]: A. 2005 Joint Operating Arrangement B. Stephens Media profit and loss statement (Arbitration Ex. 77) [Filed Under Seal] C. Final Award of Arbitrator [Filed Under Seal] D. 1989 Joint Operating Arrangement	II	179-291

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01/28/2020	Defendants' Notice of Appeal in State Court (Including Exhibits)	V	821-844
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09/13/2019	Plaintiff's Motion to Confirm Arbitration Award, in Part, and to Vacate or,	I	147-178

	Alternatively, Modify or Correct the Award, in Part (Excluding Exhibits) [Filed Under Seal]		
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10/11/2019	Plaintiff's Reply in Support of Motion to Confirm Arbitration Award, in Part, and to Vacate or, Alternatively, Modify or Correct the Award, in Part and Conditional Countermotion to Confirm Arbitration Award, in Part and to Vacate the Award, in Part (Including Exhibits) [Filed Under Seal/Portions Redacted, Exhibits 3-6 Filed Under Seal]	III	474-551
05/07/2018	Stipulation and Order of Dismissal with Prejudice, Las Vegas Sun, Inc. v. DR Partners, Case No. A-15-715008-BXI, attached as Exhibit B to Defendants' Motion to Dismiss	I	113-114
10/22/2019	Transcript of Hearing on Plaintiff's Motion to Confirm Arbitration Award, in Part,	IV	557-694

	and to Vacate or, Alternatively, Modify or Correct the Award, in Part and Defendants' Motion to Vacate Arbitration Award		
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**APPELLANTS' APPENDIX
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05/22/2020	Findings of Facts, Conclusions of Law, and Order Granting Defendants' Motion to Seal All Materials Generated in the Private Arbitration	VII	1303-1319
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CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of June, 2020, the foregoing **Appellants’/Cross Respondents’ Appendix – Volume 7** was served electronically with the Clerk of the Supreme Court of Nevada by using the court’s electronic filing system, which will send notice of electronic filing to the following:

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Attorneys for Respondent/ Cross-Appellant Las Vegas Sun, Inc.

I further certify that hard copies of the sealed version was served by First Class U.S. Mail, postage prepaid, addressed as follows:

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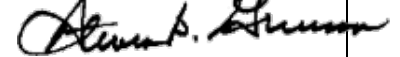
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Supreme Court of Nevada
201 South Carson Street, #201
Carson City, Nevada 89701

/s/ Angela Embrey
An employee of Kemp Jones, LLP



Electronically Filed
Mar 19 2020 10:26 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

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Attorneys for Plaintiff/Counter-Defendant

DISTRICT COURT

CLARK COUNTY, NEVADA

LAS VEGAS SUN, INC., a Nevada
corporation,

Plaintiff,

vs.

NEWS+MEDIA CAPITAL GROUP LLC, a
Delaware limited liability company; and LAS
VEGAS REVIEW-JOURNAL, INC., a
Delaware limited liability company;

Defendants.

LAS VEGAS REVIEW-JOURNAL, INC., a
Delaware corporation,

Counterclaimant,

vs.

LAS VEGAS SUN, INC., a Nevada
corporation,

Counter-Defendant.

CASE NO.: A-18-772591-B

DEPT.: 16

**LAS VEGAS SUN, INC.'S NOTICE OF
APPEAL**

110725987.2

1 Please take notice that Plaintiff/Counter-Defendant Las Vegas Sun, Inc., hereby appeals to
2 the Supreme Court of Nevada from:

3 The Court's Judgment filed on February 18, 2020, the Notice of Entry of which was served
4 electronically on February 18, 2020 (**Exhibit 1**), as well as all orders, rulings, or decisions related
5 thereto that are made appealable thereby.

6 DATED this 13th day of March, 2020.

7 By: /s/ E. Leif Reid

8 E. LEIF REID, Bar No. 5750

9 KRISTEN L. MARTINI, Bar No. 11272

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18 400 South 7th Street, Suite 300

19 Las Vegas, Nevada 89101

20 *Attorneys for Plaintiff*

1 **CERTIFICATE OF SERVICE**

2 Pursuant to Nevada Rule of Civil Procedure 5(b), I certify that I am an employee of LEWIS
3 ROCA ROTHGERBER CHRISTIE LLP, and that on this date, I caused the foregoing **LAS**
4 **VEGAS SUN, INC.'S NOTICE OF APPEAL** to be served by electronically filing the foregoing
5 with the Odyssey electronic filing system, which will send notice of electronic filing to the
6 following:

7 Steve Morris, Esq., SBN 1543
8 MORRIS LAW GROUP
9 411 E. Bonneville Ave., Ste. 360
Las Vegas, Nevada 89101

J. Randall Jones, Esq., SBN 1927
Michael J. Gayan, Esq., SBN 11135
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10 Richard J. Stone
11 David R. Singer
12 Amy M. Gallegos
13 JENNER & BLOCK LLP
633 West 5th Street, Suite 3600
Los Angeles, California 90071

14
15 DATED this 13th day of March, 2020.

16 /s/ Jessie M. Helm
Employee of Lewis Roca Rothgerber Christie LLP

One East Liberty Street, Suite 300
Reno, NV 89501-2128

Lewis Roca
ROTHGERBER CHRISTIE

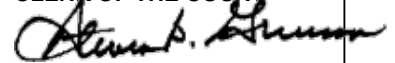
EXHIBIT LIST

EXHIBIT NO.	DESCRIPTION	NO. OF PAGES
1	Notice of Entry of Judgment, filed on February 18, 2020	6

EXHIBIT 1

Notice of Entry of Judgment

EXHIBIT 1



1 NJUD
2 E. LEIF REID, ESQ., BAR NO. 5750
3 KRISTEN L. MARTINI, ESQ., BAR NO. 11272
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21 TLB@pisanellibice.com
22 JTS@pisanellibice.com

23 *Attorneys for Plaintiff*

24 DISTRICT COURT
25 CLARK COUNTY, NEVADA

26 LAS VEGAS SUN, INC., a Nevada
27 corporation,

28 Plaintiff,

v.

NEWS+MEDIA CAPITAL GROUP LLC, a
Delaware limited liability company; and LAS
VEGAS REVIEW-JOURNAL, INC., a
Delaware limited liability company;

Defendants.

CASE NO.: A-18-772591-B

DEPT.: 16

NOTICE OF ENTRY OF JUDGMENT

///

110467268.1

One East Liberty Street, Suite 300
Reno, NV 89501-2128

Lewis Roca
ROTHGERBER CHRISTIE

1 PLEASE TAKE NOTICE that a “Judgment” was entered on February 18, 2020. A copy of
2 the Judgment is attached hereto.

3 DATED this 18th day of February, 2020.

4 By: /s/ E. Leif Reid

5 E. LEIF REID, Bar No. 5750

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17 *Attorneys for Plaintiff*

18 One East Liberty Street, Suite 300
19 Reno, NV 89501-2128

20 **Lewis Roca**
21 **ROTHGERBER CHRISTIE**

CERTIFICATE OF SERVICE

Pursuant to Nevada Rule of Civil Procedure 5(b), I certify that I am an employee of LEWIS ROCA ROTHGERBER CHRISTIE LLP, and that on this date, I caused the foregoing **NOTICE OF ENTRY OF JUDGMENT** to be served by electronically filing the foregoing with the Odyssey electronic filing system, which will send notice of electronic filing to the following:

Richard J. Stone	J. Randall Jones, Esq., SBN 1927
David R. Singer	Michael J. Gayan, Esq., SBN 11135
Amy M. Gallegos	Monah Kaveh, Esq., SBN 11825
JENNER & BLOCK LLP	KEMP, JONES & COULTHARD, LLP
633 West 5 th Street, Suite 3600	3880 Howard Hughes Parkway, 17 th Floor
Los Angeles, California 90071	Las Vegas, Nevada 89169

DATED this 18th day of February, 2020.

/s/ Autumn D. McDannald
Employee of Lewis Roca Rothgerber Christie LLP

Steven D. Grierson

One East Liberty Street, Suite 300
Reno, NV 89501-2128

Lewis Roca
ROTHGERBER CHRISTIE

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20 TLB@pisanellibice.com
21 JTS@pisanellibice.com

22 *Attorneys for Plaintiff/Counter-Defendant*

23 **DISTRICT COURT**

24 **CLARK COUNTY, NEVADA**

25 LAS VEGAS SUN, INC., a Nevada
26 corporation,
27 Plaintiff,

28 vs.

NEWS+MEDIA CAPITAL GROUP LLC, a
Delaware limited liability company; and LAS
VEGAS REVIEW-JOURNAL, INC., a
Delaware limited liability company;

Defendants.

LAS VEGAS REVIEW-JOURNAL, INC., a
Delaware corporation,
Counterclaimant,

vs.

LAS VEGAS SUN, INC., a Nevada
corporation,
Counter-Defendant.

CASE NO.: A-18-772591-B

DEPT.: 16

JUDGMENT

110376113.1

FEB 06 2020

1 Plaintiff Las Vegas Sun, Inc.'s Motion to Confirm Arbitration Award, in Part, and to Vacate
2 or Alternatively, Modify or Correct the Award, in Part; Defendants News+Media Capital Group
3 LLC's and Las Vegas Review-Journal, Inc.'s Motion to Vacate the Arbitration Award; and
4 Defendants News+Media Capital Group, LLC's and Las Vegas Review-Journal, Inc.'s Conditional
5 Countermotion to Confirm Arbitration Award, in Part and to Vacate the Award, in Part, came on
6 for hearing before the Court, the Honorable Timothy C. Williams presiding, and good cause
7 appearing, **the Court finds as follows:**

8 On January 28, 2020, this Court entered its Findings of Facts, Conclusions of Law, and
9 Order Affirming the Arbitration Award, which, *inter alia*, confirmed the arbitrator's award of
10 \$1,662,720 in damages on Plaintiff Las Vegas Sun, Inc.'s Third Claim for Relief (Breach of
11 Contract—Editorial Costs: Section 4.2 and Related Provisions), and \$261,459.94 of simple interest
12 on this damages award through January 28, 2020, against Defendants News+Media Capital Group
13 LLC's and Las Vegas Review-Journal, Inc.

14 On January 28, 2020, this Court entered its Findings of Facts, Conclusions of Law, and
15 Order Affirming the Arbitration Award, which, *inter alia*, confirmed the arbitrator's award of
16 \$40,666.38 in fees and costs of arbitration to Plaintiff Las Vegas Sun, Inc., against Defendants
17 News+Media Capital Group LLC's and Las Vegas Review Journal, Inc.

18 **IT IS HEREBY ORDERED AND ADJUDGED** that judgment, pursuant to NRS
19 38.243(1), is entered in favor of Las Vegas Sun, Inc., in the amount of \$1,924,179.94, with post-
20 judgment interest of \$250.54 per day accruing thereon from January 28, 2020, until paid in full.

21 ///

22 ///

23 ///

24 ///

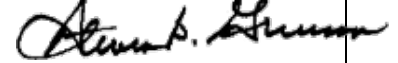
25 ///

26 ///

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110376113.1



ASTA

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Attorneys for Plaintiff/Counter-Defendant

DISTRICT COURT

CLARK COUNTY, NEVADA

LAS VEGAS SUN, INC., a Nevada
corporation,

Plaintiff,

vs.

NEWS+MEDIA CAPITAL GROUP LLC, a
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VEGAS REVIEW-JOURNAL, INC., a
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Defendants.

LAS VEGAS REVIEW-JOURNAL, INC., a
Delaware corporation,

Counterclaimant,

vs.

LAS VEGAS SUN, INC., a Nevada
corporation,

Counter-Defendant.

CASE NO.: A-18-772591-B

DEPT.: 16

**LAS VEGAS SUN, INC.'S CASE
APPEAL STATEMENT**

110726151.1

One East Liberty Street, Suite 300
Reno, NV 89501-2128

Lewis Roca
ROTHGERBER CHRISTIE

- 1 1. Name of appellant filing this case appeal statement:
2 Plaintiff/Counter-Defendant Las Vegas Sun, Inc.
- 3 2. Identify the judge issuing the decision, judgment, or order appealed from:
4 The Honorable Timothy C. Williams
- 5 3. Identify each appellant and the name and address of counsel for each appellant:
6 Attorneys for Appellant Las Vegas Sun, Inc.
7 E. Leif Reid
8 Kristen L. Martini
9 Nicole S. Scott
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16 Jordan T. Smith
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19 Las Vegas, Nevada 89101
20 (702) 214-2100
- 21 4. Identify each respondent and the name and address of appellate counsel, if known, for each
22 respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and
23 provide the name and address of that respondent's trial counsel):
24 Attorneys for Respondents News+Media Capital Group LLC and Las Vegas Review-
25 Journal, Inc.
26 J. Randall Jones
27 Michael J. Gayan
28 Mona Kaveh
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 JENNER & BLOCK
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 (213) 239-5100

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):

Richard L. Stone, David R. Singer, and Amy M. Gallegos are not licensed to practice law in Nevada. The orders granting them permission to appear are attached as **Exhibit 1**.

6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

Retained counsel

7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

Retained counsel

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

N/A

9. Indicate the date the proceedings commenced in the district court, e.g., date complaint, indictment, information, or petition was filed:

The Complaint was filed on April 10, 2018.

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

The Las Vegas Sun, Inc., initiated this action on April 10, 2018, as a result of several disputes between it and Defendants stemming from Defendants' contractual and tortious breaches of the parties' Amended and Restated [Joint Operating] Agreement, dated June 10, 2005 ("2005 JOA"). On November 21, 2018, the district court entered its Order compelling arbitration of certain of the Las Vegas Sun, Inc.'s claims for relief pursuant to the arbitration provision in the 2005 JOA, and the Nevada Supreme Court's interpretation of that arbitration provision in the case, *DR Partners v. Las Vegas Sun, Inc.*, No. 68700, 2016 WL 2957115 (Nev. May 19, 2016). The Sun's claims were tried in arbitration, and the arbitrator issued the Final Award of Arbitration on July 2, 2019 ("Arbitration Award").

1 The Sun moved to confirm, in part, and both parties moved to vacate or modify, in part, the
2 Arbitration Award. The Sun filed its post-hearing arbitration motion on September 13, 2019.
3 Defendants filed their post-hearing arbitration motion on September 18, 2019. Both parties filed
4 their respective oppositions on September 30, 2009, and replies on October 11, 2019. The matter
5 came before the district court for hearing on October 22, 2019. On December 4, 2019, the district
6 court affirmed the Arbitration Award in its entirety through a minute order, and on January 28,
7 2020, entered its written Findings of Fact, Conclusions of Law, and Order Affirming the Arbitration
8 Award (“January 28, 2020, Order”). Defendants appealed from the January 28, 2020, Order on
9 January 28, 2020.

10 The Sun cross-appealed on February 11, 2020 from the portion of the January 28, 2020,
11 Order, that affirmed the Final Award of the Arbitrator’s denial of the Sun’s request for an award of
12 attorney fees and costs. Defendants amended their appeal on February 28, 2020, to include the
13 February 18, 2020, Judgment that resulted from the Court’s entering of the January 28, 2020, Order.
14 The Sun now appeals from the portion of the February 18, 2020, Judgment, that affirmed the Final
15 Award of the Arbitrator’s denial of the Sun’s request for an award of attorney fees and costs.

16 11. Indicate whether the case has previously been the subject of an appeal or an original writ
17 proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the
18 prior proceeding:

19 *News+Media Capital Group, LLC v. Las Vegas Sun, Inc.*, Case No. 80511

20 12. Indicate whether this appeal involves child custody or visitation:

21 This case does not involve child custody or visitation.

22 ///

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13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

Undersigned counsel is not aware of any circumstances that make settlement impossible.

DATED this 13th day of March, 2020.

By: /s/ E Leif Reid
E. LEIF REID, Bar No. 5750
KRISTEN L. MARTINI, Bar No. 11272
NICOLE SCOTT, Bar No. 13757
LEWIS ROCA ROTHGERBER CHRISTIE LLP
One East Liberty Street, Suite 300
Reno, Nevada 89501-2128

JAMES J. PISANELLI, Bar No. 4027
TODD L. BICE, Bar No. 4534
JORDAN T. SMITH, Bar No. 12097
PISANELLI BICE PLLC
400 South 7th Street, Suite 300
Las Vegas, Nevada 89101

Attorneys for Plaintiff/Counter-Defendant

1 **CERTIFICATE OF SERVICE**

2 Pursuant to Nevada Rule of Civil Procedure 5(b), I certify that I am an employee of LEWIS
3 ROCA ROTHGERBER CHRISTIE LLP, and that on this date, I caused the foregoing **LAS**
4 **VEGAS SUN, INC.'S CASE APPEAL STATEMENT** to be served by electronically filing the
5 foregoing with the Odyssey electronic filing system, which will send notice of electronic filing to
6 the following:

7 Steve Morris, Esq., SBN 1543
8 MORRIS LAW GROUP
9 411 E. Bonneville Ave., Ste. 360
Las Vegas, Nevada 89101

J. Randall Jones, Esq., SBN 1927
Michael J. Gayan, Esq., SBN 11135
Mona Kaveh, Esq., SBN 11825
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Las Vegas, Nevada 89169

10 Richard J. Stone
11 David R. Singer
12 Amy M. Gallegos
13 JENNER & BLOCK LLP
633 West 5th Street, Suite 3600
Los Angeles, California 90071

14 DATED this 13th day of March, 2020.

15 /s/ Jessie M. Helm
16 Employee of Lewis Roca Rothgerber Christie LLP

One East Liberty Street, Suite 300
Reno, NV 89501-2128

Lewis Roca
ROTHGERBER CHRISTIE

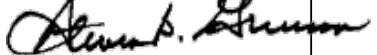
EXHIBIT LIST

EXHIBIT NO.	DESCRIPTION	NO. OF PAGES
1	Notice of Entry of Order Admitting to Practice (Richard Lee Stone, Esq.); Notice of Entry of Order Admitting to Practice (David Ransen Singer, Esq.); and Notice of Entry of Order Admitting to Practice (Amy Marshall Gallegos, Esq.)	12

EXHIBIT 1

**Orders Admitting Attorneys Stone,
Singer, and Gallegos to Practice**

EXHIBIT 1



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3 Mona Kaveh, (#11825)
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633 West 5th Street, Suite 3600
11 Los Angeles, CA 90071-2054

12 *Attorneys for Defendants*

13 **DISTRICT COURT**
14 **CLARK COUNTY, NEVADA**

15 LAS VEGAS SUN, INC., a Nevada
16 corporation,

17 Plaintiff,

18 v.

19 NEWS+MEDIA CAPITAL GROUP LLC,
20 a Delaware limited liability company; and
21 LAS VEGAS REVIEW-JOURNAL, INC.,
a Delaware limited liability company,

22 Defendants.
23
24

Case No.: A-18-772591-B
Dept. No.: XVI

**NOTICE OF ENTRY OF ORDER
ADMITTING TO PRACTICE (RICHARD
LEE STONE, ESQ.)**

25 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that an **ORDER**
26 **ADMITTING TO PRACTICE (RICHARD LEE STONE, ESQ.)** was entered in the above

27 ///

KEMP, JONES & COULTHARD, LLP
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1 entitled matter on September 25, 2019, a copy of which is attached hereto.

2 DATED this 26th day of September, 2019.

3 KEMP, JONES & COULTHARD, LLP

4
5 /s/ Michael Gayan

6 J. Randall Jones, Esq., (#1927)
7 Michael J. Gayan, Esq. (#11135)
8 Mona Kaveh, Esq., (#11825)
9 3800 Howard Hughes Parkway, 17th Floor
10 Las Vegas, Nevada 89169

11 Richard L. Stone, Esq. (*pro hac vice*)
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13 Amy M. Gallegos, Esq. (*pro hac vice*)
14 JENNER & BLOCK
15 633 West 5th Street, Suite 3600
16 Los Angeles, CA 90071-2054

17 *Attorneys for Defendants*

18 **CERTIFICATE OF SERVICE**

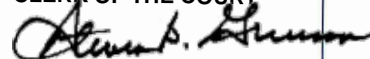
19 I hereby certify that on the 26th day of September, 2019, I served a true and correct copy
20 of the foregoing **NOTICE OF ENTRY OF ORDER ADMITTING TO PRACTICE**
21 **(RICHARD LEE STONE, ESQ.)** via the Court's electronic filing system only, pursuant to the
22 Nevada Electronic Filing and Conversion Rules, Administrative Order 14-2, to all parties
23 currently on the electronic service list.
24
25
26
27
28

29 /s/ Pamela Montgomery

30 An Employee of Kemp, Jones & Coulthard, LLP

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Electronically Filed
9/25/2019 3:00 PM
Steven D. Grierson
CLERK OF THE COURT



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2 Michael J. Gayan, Esq. (#11135)
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3 Mona Kaveh, (#11825)
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10 Telephone: (213) 239-2206
Attorneys for Defendants

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 LAS VEGAS SUN, INC., a Nevada
14 corporation,

15 Plaintiff,

16 v.

17 NEWS+MEDIA CAPITAL GROUP LLC,
18 a Delaware limited liability company; and
19 LAS VEGAS REVIEW-JOURNAL, INC.,
a Delaware limited liability company,

20 Defendants.
21

Case No.: A-18-772591-B
Dept. No.: XVI

22 **ORDER ADMITTING TO PRACTICE**
(RICHARD LEE STONE, ESQ.)

23 **RICHARD LEE STONE, ESQ.**, having filed his Motion to Associate Counsel under
24 Nevada Supreme Court Rule 42, together with a Verified Application for Association of
25 Counsel, a Certificate of Good Standing for the State of California, and the State Bar of Nevada
26 Statement; said application having been noticed, no objections having been made, and the Court
27 being fully apprised in the premises, and good cause appearing, it is hereby
28

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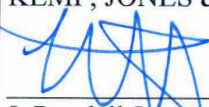
1 **ORDERED**, that said application is hereby granted, and **RICHARD LEE STONE**,
2 **ESQ.**, is hereby admitted to practice in the above entitled Court for the purposed of the above
3 entitled matter only.

4 DATED this 25th day of September, 2019.

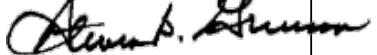
5
6 
7 DISTRICT COURT JUDGE
8

9 Respectfully submitted,

10 KEMP, JONES & COULTHARD, LLP

11 
12 J. Randall Jones, Esq., (#1927)
13 Michael J. Gayan, Esq. (#11135)
14 Mona Kaveh, Esq., (#11825)
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16 Las Vegas, Nevada 89169

17 Richard L. Stone, Esq. (*Pro Hac Vice Pending*)
18 Amy M. Gallegos, Esq. (*Pro Hac Vice Pending*)
19 David R. Singer, Esq. (*Pro Hac Vice Pending*)
20 JENNER & BLOCK, LLP
21 633 West 5th Street, Suite 3600
22 Los Angeles, CA 90071
23 *Attorneys for Defendants*
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11 Los Angeles, CA 90071-2054

12 *Attorneys for Defendants*

13 **DISTRICT COURT**
14 **CLARK COUNTY, NEVADA**

15 LAS VEGAS SUN, INC., a Nevada
16 corporation,

17 Plaintiff,

18 v.

19 NEWS+MEDIA CAPITAL GROUP LLC,
20 a Delaware limited liability company; and
21 LAS VEGAS REVIEW-JOURNAL, INC.,
a Delaware limited liability company,

22 Defendants.
23
24

Case No.: A-18-772591-B
Dept. No.: XVI

**NOTICE OF ENTRY OF ORDER
ADMITTING TO PRACTICE (DAVID
RANSEN SINGER, ESQ.)**

25 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that an **ORDER**
26 **ADMITTING TO PRACTICE (DAVID RANSEN SINGER, ESQ.)** was entered in the

27 ///
28

KEMP, JONES & COULTHARD, LLP
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1 above entitled matter on September 25, 2019, a copy of which is attached hereto.

2 DATED this 26th day of September, 2019.

3 KEMP, JONES & COULTHARD, LLP

4
5 /s/ Michael Gayan

6 J. Randall Jones, Esq., (#1927)
7 Michael J. Gayan, Esq. (#11135)
8 Mona Kaveh, Esq., (#11825)
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15 633 West 5th Street, Suite 3600
16 Los Angeles, CA 90071-2054

17 *Attorneys for Defendants*

18 **CERTIFICATE OF SERVICE**

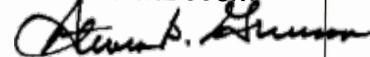
19 I hereby certify that on the 26th day of September, 2019, I served a true and correct copy
20 of the foregoing **NOTICE OF ENTRY OF ORDER ADMITTING TO PRACTICE**
21 **(DAVID RANSEN SINGER, ESQ.)** via the Court's electronic filing system only, pursuant to
22 the Nevada Electronic Filing and Conversion Rules, Administrative Order 14-2, to all parties
23 currently on the electronic service list.

24
25 /s/ Pamela Montgomery

26 An Employee of Kemp, Jones & Coulthard, LLP
27
28

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Electronically Filed
9/25/2019 3:00 PM
Steven D. Grierson
CLERK OF THE COURT



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10 Telephone: (213) 239-2206
Attorneys for Defendants

DISTRICT COURT
CLARK COUNTY, NEVADA

13 LAS VEGAS SUN, INC., a Nevada
14 corporation,

15 Plaintiff,

16 v.

17 NEWS+MEDIA CAPITAL GROUP LLC,
18 a Delaware limited liability company; and
19 LAS VEGAS REVIEW-JOURNAL, INC.,
20 a Delaware limited liability company,

21 Defendants.
22

Case No.: A-18-772591-B
Dept. No.: XVI

ORDER ADMITTING TO PRACTICE
(DAVID RANSEN SINGER, ESQ.)

23 **DAVID RANSEN SINGER, ESQ.**, having filed his Motion to Associate Counsel under
24 Nevada Supreme Court Rule 42, together with a Verified Application for Association of
25 Counsel, a Certificate of Good Standing for the State of California, and the State Bar of Nevada
26 Statement; said application having been noticed, no objections having been made, and the Court
27 being fully apprised in the premises, and good cause appearing, it is hereby
28

KEMP, JONES & COULTHARD, LLP
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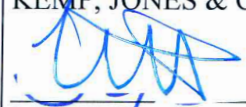
1 **ORDERED**, that said application is hereby granted, and **DAVID RANSEN SINGER,**
2 **ESQ.**, is hereby admitted to practice in the above entitled Court for the purposed of the above
3 entitled matter only.

4 DATED this 25th day of September, 2019.

5
6 
7 DISTRICT COURT JUDGE
8

9 Respectfully submitted,

10 KEMP, JONES & COULTHARD, LLP

11 
12 J. Randall Jones, Esq., (#1927)
13 Michael J. Gayan, Esq. (#11135)
14 Mona Kaveh, Esq., (#11825)
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16 Las Vegas, Nevada 89169

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23 *Attorneys for Defendants*
24
25
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KEMP, JONES & COULTHARD, LLP

3800 Howard Hughes Parkway

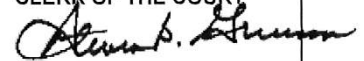
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Electronically Filed
9/26/2019 10:54 AM
Steven D. Grierson
CLERK OF THE COURT



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Los Angeles, CA 90071-2054

Attorneys for Defendants

DISTRICT COURT

CLARK COUNTY, NEVADA

LAS VEGAS SUN, INC., a Nevada
corporation,

Plaintiff,

v.

NEWS+MEDIA CAPITAL GROUP LLC,
a Delaware limited liability company; and
LAS VEGAS REVIEW-JOURNAL, INC.,
a Delaware limited liability company,

Defendants.

Case No.: A-18-772591-B
Dept. No.: XVI

**NOTICE OF ENTRY OF ORDER
ADMITTING TO PRACTICE (AMY
MARSHALL GALLEGOS, ESQ.)**

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that an **ORDER
ADMITTING TO PRACTICE (AMY MARSHALL GALLEGOS, ESQ.)** was entered in the

///

KEMP, JONES & COULTHARD, LLP
3800 Howard Hughes Parkway
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1 above entitled matter on September 25, 2019, a copy of which is attached hereto.

2 DATED this 26th day of September, 2019.

3 KEMP, JONES & COULTHARD, LLP

4
5 /s/ Michael Gayan

6 J. Randall Jones, Esq., (#1927)
7 Michael J. Gayan, Esq. (#11135)
8 Mona Kaveh, Esq., (#11825)
9 3800 Howard Hughes Parkway, 17th Floor
10 Las Vegas, Nevada 89169

11 Richard L. Stone, Esq. (*pro hac vice*)
12 David R. Singer, Esq. (*pro hac vice*)
13 Amy M. Gallegos, Esq. (*pro hac vice*)
14 JENNER & BLOCK
15 633 West 5th Street, Suite 3600
16 Los Angeles, CA 90071-2054

17 *Attorneys for Defendants*

18 **CERTIFICATE OF SERVICE**

19 I hereby certify that on the 26th day of September, 2019, I served a true and correct copy
20 of the foregoing **NOTICE OF ENTRY OF ORDER ADMITTING TO PRACTICE (AMY
21 MARSHALL GALLEGOS, ESQ.)** via the Court's electronic filing system only, pursuant to
22 the Nevada Electronic Filing and Conversion Rules, Administrative Order 14-2, to all parties
23 currently on the electronic service list.

24 /s/ Pamela Montgomery

25 An Employee of Kemp, Jones & Coulthard, LLP
26
27
28

KEMP, JONES & COULTHARD, LLP
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7 Richard L. Stone, Esq. (*Pro Hac Vice Pending*)
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10 Telephone: (213) 239-2206
Attorneys for Defendants

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 LAS VEGAS SUN, INC., a Nevada
14 corporation,

15 Plaintiff,

16 v.

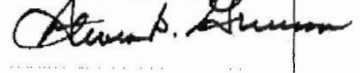
17 NEWS+MEDIA CAPITAL GROUP LLC,
18 a Delaware limited liability company; and
19 LAS VEGAS REVIEW-JOURNAL, INC.,
20 a Delaware limited liability company,

21 Defendants.
22

Case No.: A-18-772591-B
Dept. No.: XVI

23 **ORDER ADMITTING TO PRACTICE**
24 **(AMY MARSHALL GALLEGOS, ESQ.)**

25 **AMY MARSHALL GALLEGOS, ESQ.**, having filed his Motion to Associate
26 Counsel under Nevada Supreme Court Rule 42, together with a Verified Application for
27 Association of Counsel, a Certificate of Good Standing for the State of California, and the State
28 Bar of Nevada Statement; said application having been noticed, no objections having been
made, and the Court being fully apprised in the premises, and good cause appearing, it is hereby



ORDERED, that said application is hereby granted, and **AMY MARSHALL GALLEGOS, ESQ.**, is hereby admitted to practice in the above entitled Court for the purposes of the above entitled matter only.

DATED this 25th day of September, 2019.

DISTRICT COURT JUDGE

Respectfully submitted,

KEMP, JONES & COULTHARD, LLP

J. Randall Jones, Esq., (#1927)
Michael J. Gayan, Esq. (#11135)
Mona Kaveh, Esq., (#11825)
3800 Howard Hughes Parkway, 17th Floor
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David R. Singer, Esq. (*Pro Hac Vice Pending*)
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633 West 5th Street, Suite 3600
Los Angeles, CA 90071
Attorneys for Defendants

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. A-18-772591-B****Las Vegas Sun Inc, Plaintiff(s)****vs.****News+Media Capital Group LLC, Defendant(s)**§
§
§
§
§
§Location: **Department 16**Judicial Officer: **Williams, Timothy C.**Filed on: **04/10/2018**

Case Number History:

Cross-Reference Case **A772591**

Number:

Supreme Court No.: **80511****CASE INFORMATION**Case Type: **Other Business Court Matters**Case
Status: **04/10/2018 Open****DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number	A-18-772591-B
Court	Department 16
Date Assigned	08/27/2018
Judicial Officer	Williams, Timothy C.

PARTY INFORMATION

Plaintiff	Las Vegas Sun Inc	<i>Lead Attorneys</i> Reid, Leif <i>Retained</i> 702-823-2900(W)
Defendant	Las Vegas Review-Journal Inc	Jones, Jon Randall <i>Retained</i> 7023856000(W)
	News+Media Capital Group LLC	Jones, Jon Randall <i>Retained</i> 7023856000(W)
Counter Claimant	Las Vegas Review-Journal Inc	Jones, Jon Randall <i>Retained</i> 7023856000(W)
Counter Defendant	Las Vegas Sun Inc	Reid, Leif <i>Retained</i> 702-823-2900(W)

DATE**EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

04/10/2018	 Complaint (Business Court) Filed By: Counter Defendant Las Vegas Sun Inc <i>Complaint</i>
04/10/2018	 Initial Appearance Fee Disclosure Filed By: Counter Defendant Las Vegas Sun Inc <i>Initial Appearance Fee Disclosure</i>
04/10/2018	 Summons Electronically Issued - Service Pending Party: Counter Defendant Las Vegas Sun Inc

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-772591-B

Summons

04/10/2018	 Summons Electronically Issued - Service Pending Party: Counter Defendant Las Vegas Sun Inc <i>Summons</i>
04/12/2018	 Notice Filed By: Counter Defendant Las Vegas Sun Inc <i>Notice of Related Cases</i>
04/19/2018	 Affidavit of Service Filed By: Counter Defendant Las Vegas Sun Inc <i>Affidavit of Service News+Media Capital Group LLC c/o CSC Service of Nevada Inc.-Registered Agent</i>
04/19/2018	 Affidavit of Service Filed By: Counter Defendant Las Vegas Sun Inc <i>Affidavit of Service LV Review Journal, Inc. c/o CSC Service of Nevada Inc.-Registered Agent</i>
04/27/2018	 Motion to Compel Filed By: Counter Defendant Las Vegas Sun Inc <i>Plaintiffs' Motion to Compel Arbitration</i>
05/07/2018	 Motion to Dismiss Filed By: Defendant News+Media Capital Group LLC <i>Defendants' Motion to Dismiss</i>
05/07/2018	 Initial Appearance Fee Disclosure Filed By: Counter Claimant Las Vegas Review-Journal Inc <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>
05/16/2018	 Stipulation and Order Filed by: Counter Defendant Las Vegas Sun Inc <i>Stipulation and Order to Vacate, Continue, and Consolidate Hearings on Plaintiff's Motion to Compel Arbitration and Defendants' Motion to Dismiss</i>
05/17/2018	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant Las Vegas Sun Inc <i>Notice of Entry of Stipulation and Order to Vacate, Continue, and Consolidate Hearings on Plaintiff's Motion to Compel Arbitration and Defendants Motion to Dismiss</i>
07/18/2018	 Stipulation and Order Filed by: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Stipulation and Order to Vacate and Continue Hearing on Plaintiff's Motion to Compel Arbitration and Defendants' Motion to Dismiss and to Extend Deadlines for Filing Motion Responses</i>
07/19/2018	 Notice of Entry of Stipulation and Order Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Notice of Entry of Stipulation and Order to Vacate and Continue Hearing on Plaintiff's Motion to Compel Arbitration and Defendants' Motion to Dismiss and to Extend Deadlines for Filing Motion Responses</i>
08/22/2018	

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	 Stipulation and Order Filed by: Counter Defendant Las Vegas Sun Inc <i>Stipulation and Order to Vacate and Continue Hearing on Plaintiff's Motion to Compel Arbitration and Defendants' Motion to Dismiss and to Extend Deadlines for Filing Motion Responses</i>
08/22/2018	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant Las Vegas Sun Inc <i>Notice of Entry of Stipulation and Order to Vacate and Continue Hearing on Plaintiff's Motion to Compel Arbitration and Defendants' Motion to Dismiss and to Extend Deadlines for Filing Motion Responses</i>
08/22/2018	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
08/24/2018	 Peremptory Challenge Filed by: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Defendants' Peremptory Challenge of Judge</i>
08/27/2018	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
09/17/2018	 Opposition to Motion to Dismiss Filed By: Counter Defendant Las Vegas Sun Inc <i>Plaintiff's Opposition to Defendants' Motion to Dismiss</i>
09/17/2018	 Response Filed by: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Defendants' Response to Plaintiff's Motion to Compel Arbitration</i>
09/17/2018	 Stipulation and Order Filed by: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Stipulation and Order to Extend Deadlines for Filing Motion Responses on Plaintiff's Motion to Compel Arbitration and Defendants' Motion to Dismiss</i>
10/02/2018	 Stipulation and Order Filed by: Counter Defendant Las Vegas Sun Inc <i>Stipulation and Order to Vacate and Continue Hearing on Plaintiff's Motion to Compel Arbitration and Defendants' Motion to Dismiss and to Extend Deadlines for Filing Motion Replies</i>
10/03/2018	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant Las Vegas Sun Inc <i>Notice of Entry of Stipulation and Order</i>
10/17/2018	 Reply Filed by: Counter Defendant Las Vegas Sun Inc <i>Plaintiff's Reply to Defendants' Response to Motion to Compel Arbitration</i>
10/17/2018	 Reply Filed by: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Defendants' Reply in Support of Defendants' Motion to Dismiss</i>

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CASE SUMMARY

CASE NO. A-18-772591-B

11/07/2018	 Motion for Partial Summary Judgment Filed By: Counter Defendant Las Vegas Sun Inc <i>Plaintiff's Motion for Partial Summary Judgment for Declaratory Relief and Breach of Contract/Specific Performance (First and Fourth Claims for Relief)</i>
11/21/2018	 Order Filed By: Counter Defendant Las Vegas Sun Inc <i>Order Granting Plaintiff's Motion to Compel Arbitration and Denying Defendants' Motion to Dismiss</i>
11/21/2018	 Motion to Extend Party: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Motion to Extend Deadline for the Filing of Defendants' Response to Plaintiff's Motion for Partial Summary Judgment and to Vacate and Reschedule Hearing on Order Shortening Time (First Request)</i>
11/27/2018	 Notice of Entry Filed By: Counter Defendant Las Vegas Sun Inc <i>Notice of Entry of Order Granting Plaintiff's Motion to Compel Arbitration and Denying Defendants' Motion to Dismiss</i>
11/27/2018	 Opposition to Motion Filed By: Counter Defendant Las Vegas Sun Inc <i>Plaintiff's Opposition to Motion to Extend Deadline for the Filing of Defendants' Response to Plaintiff's Motion for Partial Summary Judgment and to Vacate and Reschedule the Hearing on Order Shortening Time</i>
12/03/2018	 Motion to Reconsider Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Defendants' Motion for Reconsideration of Court's Order Granting Plaintiff's Motion to Compel Arbitration and Denying Defendants' Motion to Dismiss, and Request for Stay on Order Shortening Time</i>
12/10/2018	 Affidavit in Support Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Affidavit of Richard J. Pocker in Support of Request to Postpone Ruling on Motion for Summary Judgment Until Close of Discovery Pursuant to Rule 56(f) of the Nevada Rules of Civil Procedure</i>
12/10/2018	 Response Filed by: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Defendants' Response to Plaintiff's Motion for Partial Summary Judgment for Declaratory Relief and Breach of Contract/Specific Performance (First and Fourth (sic) Claims for Relief)</i>
12/11/2018	 Request for Judicial Notice Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Defendants' Request for Judicial Notice in Support of Their Response to Plaintiff's Motion for Partial Summary Judgment and Declaratory Relief and Breach of Contract/Specific Performance (First and Fourth (sic) Claims for Relief)</i>
12/11/2018	 Opposition to Motion

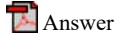
EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-772591-B

Filed By: Counter Defendant Las Vegas Sun Inc
Plaintiff's Opposition to Defendants' Motion for Reconsideration of Court's Order Granting Plaintiff's Motion to Compel Arbitration and Denying Defendants' Motion to Dismiss, and Request for Stay on Order Shortening Time

12/14/2018



Answer

Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc
Answer to Complaint

12/17/2018



Reply

Filed by: Counter Defendant Las Vegas Sun Inc
Reply to Defendants' Response to Plaintiff's Motion for Partial Summary Judgment for Declaratory Relief and Breach of Contract/Specific Performance

12/17/2018



Reply in Support

Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc
Defendants' Reply In Support of Motion for Reconsideration of Court's Order Granting Plaintiff's Motion to Compel Arbitration and Denying Defendants' Motion to Dismiss, and Request for Stay on Order Shortening Time

12/18/2018



Notice of Appearance

Party: Counter Defendant Las Vegas Sun Inc
Notice of Appearance

01/14/2019



Order Denying Motion

Filed By: Counter Defendant Las Vegas Sun Inc
Order Denying Defendants' Motion for Reconsideration of Court's Order Granting Plaintiff's Motion to Compel Arbitration and Denying Defendants' Motion to Dismiss and Request for Stay on Order Shortening Time

01/15/2019



Notice of Entry

Filed By: Counter Defendant Las Vegas Sun Inc
Notice of Entry of Order Denying Defendants Motion for Reconsideration of Court's Order Granting Plaintiff's Motion to Compel Arbitration And Denying Defendants Motion to Dismiss And Request for Stay on Order Shortening Time

01/30/2019



Notice of Appearance

Party: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc
Notice of Appearance

02/13/2019



Joint Case Conference Report

Filed By: Counter Defendant Las Vegas Sun Inc
Joint Case Conference Report

03/18/2019



Business Court Order

Business Court Order

04/03/2019



Demand for Jury Trial

Filed By: Counter Defendant Las Vegas Sun Inc
Demand for Jury Trial

04/08/2019
















Order Setting Civil Jury Trial and Calendar Call

Order Setting Civil Jury Trial and Calendar Call

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-772591-B

06/05/2019	 Stipulation to Extend Discovery Party: Counter Defendant Las Vegas Sun Inc <i>Stipulation and Order to Continue Discovery, Case Deadlines, and Trial Date</i>
06/05/2019	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant Las Vegas Sun Inc <i>Notice of Entry of Stipulation and Order to Continue Discovery, Case Deadlines, and Trial Date</i>
06/06/2019	 Amended Order Setting Jury Trial <i>Amended Order Setting Jury Trial</i>
07/17/2019	 Motion for Protective Order Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Motion for Protective Order and Objections Under NRCP 45</i>
07/18/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
07/29/2019	 Opposition to Motion For Protective Order Filed By: Counter Defendant Las Vegas Sun Inc <i>Plaintiff's Opposition to Motion for Protective Order and Objections Under NRCP 45</i>
08/08/2019	 Stipulated Protective Order Filed By: Counter Defendant Las Vegas Sun Inc <i>Stipulated Confidentiality and Protective Order</i>
08/09/2019	 Notice of Appearance Party: Counter Defendant Las Vegas Sun Inc <i>Notice of Appearance</i>
08/09/2019	 Notice of Entry Filed By: Counter Defendant Las Vegas Sun Inc <i>Notice of Entry of Stipulated Confidentiality and Protective Order</i>
08/13/2019	 Stipulation Filed by: Counter Defendant Las Vegas Sun Inc <i>Stipulated Discovery Exchange Protocol and Order</i>
08/14/2019	 Notice of Entry Filed By: Counter Defendant Las Vegas Sun Inc <i>Notice of Entry of Stipulated Discovery Exchange Protocol and Order</i>
08/14/2019	 Reply in Support Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Review-Journal's Reply in Support of Motion for Protective Order and Objections Re Huffman Subpoena</i>
08/14/2019	 Declaration Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc

EIGHTH JUDICIAL DISTRICT COURT

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Declaration of Keith Moyer

08/15/2019	 Substitution of Attorney Filed by: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Substitution Of Attorneys</i>
08/19/2019	 Supplement to Opposition Filed By: Counter Defendant Las Vegas Sun Inc <i>Plaintiff's Supplemental Opposition to Defendants' Motion for Protective Order and Objections Under NRCP 45</i>
08/19/2019	 Motion to Compel Filed By: Counter Defendant Las Vegas Sun Inc <i>Plaintiff's Motion to Compel Production of Documents</i>
08/20/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
08/20/2019	 Objection Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Defendants' Objection To Plaintiff's Improper Supplement Related To Defendants' Motion For Protective Order And Objections Under NRCP 45</i>
08/30/2019	 Motion to Amend Answer Filed By: Defendant News+Media Capital Group LLC <i>Defendants News+Media Capital Group LLC and Las Vegas Review-Journal, Inc.'s Motion for Leave to Amend Answer and Assert Counterclaim on Order Shortening Time</i>
09/09/2019	 Notice of Appearance Party: Counter Defendant Las Vegas Sun Inc <i>Notice of Appearance</i>
09/09/2019	 Opposition to Motion Filed By: Counter Defendant Las Vegas Sun Inc <i>Opposition to Defendants News+Media Capital Group LLC and Las Vegas Review-Journal, Inc.'s Motion for Leave to Amend Answer and Assert Counterclaim on Order Shortening Time (Redacted)</i>
09/09/2019	 Motion to Seal/Redact Records Filed By: Counter Defendant Las Vegas Sun Inc <i>Motion for Leave to File Documents Under Seal</i>
09/10/2019	 Filed Under Seal Filed By: Counter Defendant Las Vegas Sun Inc <i>Filed Under Seal per 9/9/19 Motion for Leave to File Documents Under Seal. Opposition to Defendants News+Media Capital Group LLC and Las Vegas Review-Journal, Inc.'s Motion for leave to Amend Answer and Assert Counterclaim on Order Shortening Time</i>
09/10/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
09/12/2019	 Motion to Associate Counsel Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas

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CASE NO. A-18-772591-B

	Review-Journal Inc <i>Motion To Associate Counsel (Richard Lee Stone, Esq.)</i>
09/12/2019	 Motion to Associate Counsel Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Motion To Associate Counsel (Amy Marshall Gallegos, Esq.)</i>
09/12/2019	 Motion to Associate Counsel Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Motion To Associate Counsel (David Ransen Singer, Esq.)</i>
09/12/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
09/12/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
09/12/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
09/12/2019	 Clerk's Notice of Hearing <i>Amended Notice of Hearing</i>
09/13/2019	 Motion to Seal/Redact Records Filed By: Counter Defendant Las Vegas Sun Inc <i>Motion for Leave to File Documents Under Seal</i>
09/13/2019	 Appendix Filed By: Counter Defendant Las Vegas Sun Inc <i>Appendix of Exhibits to: Plaintiff's Motion to Confirm Arbitration Award, in Part, and to Vacate or, Alternatively, Modify or Correct the Award, in Part (Volume 1)</i>
09/13/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
09/13/2019	 Order Denying Motion Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Order Denying Las Vegas Sun, Inc.'s Motion For Partial Summary Judgment</i>
09/13/2019	 Filed Under Seal Filed By: Counter Claimant Las Vegas Review-Journal Inc <i>Plaintiff's Motion to Confirm Arbitration Award, in Part, and to Vacate or, Alternatively, Modify or Correct the Award, in Part Sealed per 9/13/19 Motion for Leave to File Documents Under Seal</i>
09/13/2019	 Notice of Entry of Order Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Notice Of Entry Of Order Denying Las Vegas Sun Inc.'s Motion For Partial Summary Judgment</i>
09/13/2019	 Filed Under Seal

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-772591-B

Filed By: Counter Defendant Las Vegas Sun Inc
Appendix of Exhibits to: Plaintiffs Motion to Confirm Arbitration Award, in Part and to Vacate, or Alternatively Modify or Correct the Award in Part - Volume 13 (Filed under Seal per 9/13/19 Motion for Leave to File Documents Under Seal)

09/13/2019



Filed Under Seal

Filed By: Counter Claimant Las Vegas Review-Journal Inc
Appendix of Exhibits to: Plaintiffs Motion to Confirm Arbitration Award, in Part and to Vacate, or Alternatively Modify or Correct the Award in Part - Volume 14 (Filed under Seal per 9/13/19 Motion for Leave to File Documents Under Seal)

09/13/2019



Filed Under Seal

Filed By: Counter Defendant Las Vegas Sun Inc
Appendix of Exhibits to: Plaintiff's Motion to Confirm Arbitration Award, in Part, and to Vacate or, Alternatively, Modify or Correct the Award, in Part (Volume 7) Sealed per 9/13/19 Motion for Leave to File Documents Under Seal

09/13/2019



Filed Under Seal

Filed By: Counter Defendant Las Vegas Sun Inc
Appendix of Exhibits to: Plaintiffs Motion to Confirm Arbitration Award, in Part and to Vacate, or Alternatively Modify or Correct the Award in Part - Volume 15 (Filed under Seal per 9/13/19 Motion for Leave to File Documents Under Seal)

09/13/2019



Filed Under Seal

Appendix of Exhibits to: Plaintiff's Motion to Confirm Arbitration Award, in Part, and to Vacate or, Alternatively, Modify or Correct the Award, in Part (Volume 8) Sealed per 9/13/19 Motion for Leave to File Documents Under Seal

09/13/2019



Filed Under Seal

Filed By: Counter Defendant Las Vegas Sun Inc
Appendix of Exhibits to: Plaintiffs Motion to Confirm Arbitration Award, in Part and to Vacate, or Alternatively Modify or Correct the Award in Part - Volume 16 (Filed under Seal per 9/13/19 Motion for Leave to File Documents Under Seal)

09/13/2019



Filed Under Seal

Filed By: Counter Defendant Las Vegas Sun Inc
Appendix of Exhibits to: Plaintiffs Motion to Confirm Arbitration Award, in Part and to Vacate, or Alternatively Modify or Correct the Award in Part - Volume 17 (Filed under Seal per 9/13/19 Motion for Leave to File Documents Under Seal)

09/13/2019



Filed Under Seal

Filed By: Counter Defendant Las Vegas Sun Inc
Appendix of Exhibits to: Plaintiff's Motion to Confirm Arbitration Award, in Part, and to Vacate or, Alternatively, Modify or Correct the Award, in Part (Volume 2) Sealed per 9/13/19 Motion for Leave to File Documents Under Seal

09/13/2019



Filed Under Seal

Filed By: Counter Defendant Las Vegas Sun Inc
Appendix of Exhibits to: Plaintiffs Motion to Confirm Arbitration Award, in Part and to Vacate, or Alternatively Modify or Correct the Award in Part - Volume 9 (Filed under Seal per 9/13/19 Motion for Leave to File Documents Under Seal)

09/13/2019









Filed Under Seal

Filed By: Counter Defendant Las Vegas Sun Inc
Appendix of Exhibits to: Plaintiffs Motion to Confirm Arbitration Award, in Part and to Vacate, or Alternatively Modify or Correct the Award in Part - Volume 10 (Filed under Seal per 9/13/19 Motion for Leave to File Documents Under Seal)

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-772591-B

09/13/2019	 Filed Under Seal Filed By: Counter Defendant Las Vegas Sun Inc <i>Appendix of Exhibits to: Plaintiffs Motion to Confirm Arbitration Award, in Part and to Vacate, or Alternatively Modify or Correct the Award in Part - Volume 11 (Filed under Seal per 9/13/19 Motion for Leave to File Documents Under Seal)</i>
09/13/2019	 Filed Under Seal Filed By: Counter Defendant Las Vegas Sun Inc <i>Appendix of Exhibits to: Plaintiff's Motion to Confirm Arbitration Award, in Part, and to Vacate or, Alternatively, Modify or Correct the Award, in Part (Volume 3) Sealed per 9/13/19 Motion for Leave to File Documents under Seal</i>
09/13/2019	 Filed Under Seal Filed By: Counter Defendant Las Vegas Sun Inc <i>Appendix of Exhibits to: Plaintiffs Motion to Confirm Arbitration Award, in Part and to Vacate, or Alternatively Modify or Correct the Award in Part - Volume 12 (Filed under Seal per 9/13/19 Motion for Leave to File Documents Under Seal)</i>
09/13/2019	 Filed Under Seal Filed By: Counter Defendant Las Vegas Sun Inc <i>Appendix of Exhibits to: Plaintiff's Motion to Confirm Arbitration Award, in Part, and to Vacate or, Alternatively, Modify or Correct the Award, in Part (Volume 4) Sealed per 9/13/19 Motion for Leave to File Documents under Seal</i>
09/13/2019	 Filed Under Seal Filed By: Counter Defendant Las Vegas Sun Inc <i>Appendix of Exhibits to: Plaintiff's Motion to Confirm Arbitration Award, in Part, and to Vacate or, Alternatively, Modify or Correct the Award, in Part (Volume 6) Sealed per 9/13/19 Motion for Leave to File Documents under Seal</i>
09/13/2019	 Filed Under Seal Filed By: Counter Defendant Las Vegas Sun Inc <i>Appendix of Exhibits to: Plaintiff's Motion to Confirm Arbitration Award, in Part, and to Vacate or, Alternatively, Modify or Correct the Award, in Part (Volume 5) Sealed per 9/13/19 Motion for Leave to File Documents under Seal</i>
09/18/2019	 Motion for Leave to File Party: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Defendants' Motion For Leave To File Documents Under Seal</i>
09/18/2019	 Motion to Vacate Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Defendants' Motion To Vacate Arbitration Award</i>
09/18/2019	 Reply in Support Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Reply In Support Of Defendants News+Media Capital Group LLC And Las Vegas Review-Journal, Inc.'s Motion For Leave To Amend Answer And Assert Counterclaim On Order Shortening Time</i>
09/19/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
09/19/2019	 Clerk's Notice of Hearing

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-18-772591-B








Notice of Hearing

09/19/2019	 Filed Under Seal Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Defendants' Motion to Vacate Arbitration Award 9/18/19 Defendants' Motion for Leave to File Documents Under Seal</i>
09/24/2019	 Notice Filed By: Counter Defendant Las Vegas Sun Inc <i>Notice of Related Federal Court Action</i>
09/24/2019	 Stipulation and Order Filed by: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Stipulation And Order To Continue Hearing On Plaintiff's Motion To Confirm Arbitration Award, In Part, And To Vacate Or, Alternatively, Modify Of Correct The Award, In Part And To Set Briefing Schedules</i>
09/24/2019	 Stipulation and Order to Extend Discovery Deadlines Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Stipulation And Order To Extend Discovery Deadlines</i>
09/24/2019	 Stipulation and Order Filed by: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Stipulation And Order To Continue Hearing On Plaintiff's Motion To Compel And To Set Briefing Schedule</i>
09/24/2019	 Notice of Entry of Stipulation and Order Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Notice Of Entry Of Stipulation And Order To Continue Hearing On Plaintiff's Motion To Compel And To Set Briefing Schedule</i>
09/24/2019	 Notice of Entry of Stipulation and Order Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Notice Of Entry Of Stipulation And Order To Extend Discovery Deadlines</i>
09/24/2019	 Notice of Entry of Stipulation and Order Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Notice Of Entry Of Stipulation And Order To Continue Hearing On Plaintiff's Motion To Confirm Arbitration Award, In Part, And To Vacate Or, Alternatively, Modify Or Correct The Award, In Part And To Set Briefing Schedules</i>
09/25/2019	 Order Admitting to Practice Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Order Admitting To Practice (David Ransen Singer, Esq.)</i>
09/25/2019	 Order Admitting to Practice Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Order Admitting To Practice (Amy Marshall Gallegos, Esq.)</i>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-772591-B

09/25/2019	 Order Admitting to Practice Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Order Admitting To Practice (Richard Lee Stone, Esq.)</i>
09/26/2019	 Notice of Entry of Order Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Notice Of Entry Of Order Admitting To Practice (Richard Lee Stone, Esq.)</i>
09/26/2019	 Notice of Entry of Order Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Notice Of Entry Of Order Admitting To Practice (Amy Marshall Gallegos, Esq.)</i>
09/26/2019	 Notice of Entry of Order Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Notice Of Entry Of Order Admitting To Practice (David Ransen Singer, Esq.)</i>
09/27/2019	 Non Opposition Filed By: Counter Defendant Las Vegas Sun Inc <i>Notice of Non-Opposition to Plaintiff's Motion for Leave to File Documents Under Seal</i>
09/27/2019	 Notice of Intent Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Notice Of Intent To File Opposition To Plaintiff's Motions For Leave To File Documents Under Seal</i>
09/30/2019	 Amended Answer <i>First Amended Answer To Complaint And Counterclaims</i>
09/30/2019	 Motion to Seal/Redact Records Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Defendants' Motion To Seal Opposition And Exhibits A-K</i>
09/30/2019	 Motion for Leave to File Party: Counter Defendant Las Vegas Sun Inc <i>Plaintiff's Motion for Leave to Amend Complaint</i>
09/30/2019	 Filed Under Seal Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Defendants News+Media Capital Group LLC and Las Vegas Review Journal, Inc's Opposition to Plaintiff's Motion to Confirm Arbitration Award, in part, and to Vacate or Alternatively, Modify or Correct the Award, in part, and Conditional Countermotion to Confirm Arbitration Award, in part, and to Vacate the Award, in Part</i>
09/30/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
09/30/2019	 Opposition to Motion

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-772591-B

Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc
Defendants' Limited Opposition To Motions For Leave To File Documents Under Seal

09/30/2019



Opposition to Motion

Filed By: Counter Defendant Las Vegas Sun Inc
Plaintiff's Opposition to Defendants' Motion to Vacate Arbitration Award (Redacted)

09/30/2019



Motion to Seal/Redact Records

Filed By: Counter Defendant Las Vegas Sun Inc
Motion for Leave to File Documents Under Seal [The Sun's Opposition and Exhibits to Defendants' Motion to Vacate Arbitration Award]

09/30/2019



Opposition to Motion

Filed By: Counter Defendant Las Vegas Sun Inc
Plaintiff's Limited Opposition to Defendants' Motion for Leave to File Documents Under Seal [Exhibits B and C to Defendants' Motion to Vacate Arbitration Award, and References Thereto in Motion to Vacate]

10/01/2019



Clerk's Notice of Hearing

Notice of Hearing

10/01/2019



Filed Under Seal

Plaintiff's Opposition to Defendants' Motion to Vacate Arbitration Award

10/02/2019



Opposition to Motion to Compel

Filed By: Defendant News+Media Capital Group LLC
Defendants' Opposition to Plaintiff's Motion to Compel Production of Documents

10/03/2019



Clerk's Notice of Hearing

Notice of Hearing

10/08/2019



Order

Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc
Order Granting In Part Defendants News+Media Capital Group LLC And Las Vegas Review-Journal, Inc.'s Motion For Protective Order And Objections Under NRCP 45

10/08/2019



Notice of Entry of Order

Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc
Notice Of Entry Of Order

10/10/2019



Opposition to Motion

Filed By: Counter Defendant Las Vegas Sun Inc
Plaintiff's Limited Opposition to Defendants' Motion for Leave to File Documents Under Seal [Exhibits A, B, D, and G-K to Defendants' Opposition to Plaintiff's Motion to Confirm Arbitration Award, in Part, and to Vacate or, Alternatively, Modify or Correct the Award in Part, and References Thereto]

10/10/2019



Opposition to Motion

Filed By: Defendant News+Media Capital Group LLC
Defendants' Limited Opposition to Motion for Leave to File Documents Under Seal [The Sun's Opposition and Exhibits to Defendants' Motion to Vacate Arbitration Award]

10/10/2019

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-772591-B



Opposition to Motion

Filed By: Defendant News+Media Capital Group LLC
Defendants' (1) Limited Opposition to Plaintiff's Motion for Leave to Amend Complaint and (2) Countermotion to Continue Trial

10/11/2019



Reply in Support

Filed By: Defendant News+Media Capital Group LLC
Reply in Support of Defendants' Motion for Leave to File Documents Under Seal

10/11/2019



Motion to Seal/Redact Records

Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc
Defendants' Motion For Leave To File Documents Under Seal

10/11/2019



Reply in Support

Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc
Defendants' Reply In Support Of Motion To Vacate Arbitration Award

10/11/2019



Reply to Opposition

Filed by: Counter Defendant Las Vegas Sun Inc
Plaintiff's Reply to Defendants News+Media Capital Group LLC and Las Vegas Review Journal, Inc.'s Opposition to Plaintiff's Motion to Confirm Arbitration Award, in Part, and to Vacate or, Alternatively, Modify or Correct the Award, in Part and Defendants' Conditional Countermotion to Confirm Arbitration Award, in Part, and to Vacate the Award, in Part (Redacted)

10/11/2019



Motion to Seal/Redact Records

Filed By: Counter Defendant Las Vegas Sun Inc
Motion for Leave to File Documents Under Seal [Exhibits 3-6 to Reply to Opposition to Plaintiff's Motion to Confirm Arbitration Award, in Part, and to Vacate or, Alternatively, Modify or Correct the Award, in Part, and References Thereto]

10/11/2019



Reply to Opposition

Filed by: Counter Defendant Las Vegas Sun Inc
Reply to Defendants' Limited Opposition to Motions for Leave to File Documents Under Seal [Opposition to Defendants' Motion for Leave to Amend Answer and Assert Counterclaim and Motion to Confirm Arbitration Award, in Part, and to Vacate or, Alternatively, Modify or Correct the Award, In Part]

10/11/2019



Reply

Filed by: Counter Defendant Las Vegas Sun Inc
Reply to Defendants' Opposition to Plaintiff's Motion to Compel Production of Documents

10/14/2019



Clerk's Notice of Hearing

Notice of Hearing

10/14/2019



Filed Under Seal

Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc
Defendant's Reply in Support of Motion to Vacate Arbitration Award (FUS from Motion dated 10/11/19)

10/14/2019



Reply in Support

Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-772591-B

Reply In Support Of Defendants Nesw+Media Capital Group LLC And Las Vegas Review-Journal, Inc.'s Conditional Countermotion To Confirm Arbitration Award, In Part, And To Vacate The Award, In Part

10/14/2019	 Filed Under Seal Filed By: Counter Defendant Las Vegas Sun Inc <i>Plaintiff's Reply to Defendants' News & Media Capital Group LLC and Las Vegas Review Journal, Inc.'s Opposition to Plaintiff's Motion to Confirm Arbitration Award, in Part, and to Vacate or, Alternatively, Modify or Correct the Award, in Part and Defendant's Conditional Countermotion to Confirm Arbitration Award, in Part, and to Vacate the Award, in Part</i>
10/14/2019	 Motion to Dismiss Filed By: Counter Defendant Las Vegas Sun Inc <i>Motion to Dismiss Counterclaims or, Alternatively, to Stay Counterclaims Pending Federal Court Action</i>
10/15/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
10/15/2019	 Stipulation and Order Filed by: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Stipulation And Order To Continue Hearing On All Motions Set For Hearing On October 16, 2019</i>
10/15/2019	 Notice of Entry of Stipulation and Order Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Notice Of Entry Of Stipulation And Order To Continue Hearing On All Motions Set For Hearing On October 16, 2019</i>
10/21/2019	 Opposition to Motion Filed By: Counter Defendant Las Vegas Sun Inc <i>Plaintiff's Limited Opposition to Defendants' Motion for Leave to File Documents Under Seal [Exhibits E-H to Defendants' Reply in Support of Motion to Vacate Arbitration Award, and References Thereto in Motion to Vacate]</i>
10/21/2019	 Opposition to Motion Filed By: Defendant News+Media Capital Group LLC <i>Defendants' Limited Opposition to Motion for Leave to File Documents Under Seal [Exhibits 3-6 to Reply to Opposition to Plaintiff's Motion to Confirm Arbitration Award, in Part, and to Vacate or, Alternatively, Modify or Correct the Award, in Part, and References Thereto]</i>
10/23/2019	 Stipulation and Order Filed by: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Stipulation And Order To Extend Time For Defendants To File A Response In Opposition To Plaintiff's Motion To Dismiss</i>
10/23/2019	 Notice of Entry of Stipulation and Order Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Notice Of Entry Of Stipulation And Order To Extend Time For Defendants To File A Response In Opposition To Plaintiff's Motion To Dismiss</i>
10/25/2019	 Order Filed By: Counter Defendant Las Vegas Sun Inc

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-772591-B

Order Granting Defendants News+Media Capital Group LLC and Las Vegas Review-Journal, Inc.'s Motion for Leave to Amend Answer and Assert Counterclaim on Order Shortening Time

10/28/2019	 Notice of Entry Filed By: Counter Defendant Las Vegas Sun Inc <i>Notice of Entry of Order Granting Defendants News+Media Capital Group LLC and Las Vegas Review-Journal, Inc.'s Motion for Leave to Amend Answer and Assert Counterclaim on Order Shortening Time</i>
10/28/2019	 Opposition to Motion to Dismiss Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Counterclaimant Las Vegas Review-Journal's Opposition To Counter-Defendant Las Vegas Sun's Motion To Dismiss Counterclaims</i>
11/01/2019	 Reply Filed by: Counter Defendant Las Vegas Sun Inc <i>Plaintiff's (1) Reply to Limited Opposition to Plaintiff's Motion for Leave to Amend Complaint and (2) Opposition to Countermotion to Continue Trial</i>
11/01/2019	 Reply to Opposition Filed by: Counter Defendant Las Vegas Sun Inc <i>Reply to Defendants' Limited Opposition to Motion for Leave to File Documents Under Seal [The Sun's Opposition and Exhibits to Defendants' Motion to Vacate Arbitration Award]</i>
11/01/2019	 Reply in Support Filed By: Defendant News+Media Capital Group LLC <i>Reply in Support of Defendants' Motion to Seal Opposition and Exhibits A-K</i>
11/04/2019	 Reply in Support Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Reply In Support Of Defendants' Countermotion To Continue Trial</i>
11/05/2019	 Status Report Filed By: Counter Defendant Las Vegas Sun Inc <i>Plaintiff's Status Report for Status Check Regarding Outstanding Discovery Issues</i>
11/08/2019	 Reply to Opposition Filed by: Counter Defendant Las Vegas Sun Inc <i>Reply to Defendants' Limited Opposition to Motion for Leave to File Documents Under Seal [Exhibits 3-6 to Reply to Opposition to Plaintiff's Motion to Confirm Arbitration Award, in Part, and References Thereto]</i>
11/08/2019	 Reply in Support Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Reply In Support Of Defendants' Motion For Leave To File Documents Under Seal (Exhibits E-H To Defendants' Reply In Support Of Motion To Vacate Arbitration Award And References Thereto)</i>
11/12/2019	 Objection Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Defendants News+Media Capital Group LLC And Las Vegas Review-Journal, Inc.'s (1) Objection To Plaintiff Las Vegas Sun, Inc.'s Binder Of Exhibits Submitted To The Court On November 6, 2019, And (2) Request For Court To Defer Ruling On Arbitration Motions</i>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-772591-B

11/12/2019	 Order Filed By: Counter Defendant Las Vegas Sun Inc <i>Order Granting Plaintiff's Motion for Leave to Amend Complaint and Granting in Part Defendants' Countermotion to Continue Trial</i>
11/14/2019	 Notice of Entry Filed By: Counter Defendant Las Vegas Sun Inc <i>Notice of Entry of Order Granting Plaintiff's Motion for Leave to Amend Complaint and Granting in Part Defendants' Countermotion to Continue Trial</i>
11/15/2019	 First Amended Complaint Filed By: Counter Defendant Las Vegas Sun Inc <i>First Amended Complaint</i>
11/18/2019	 Reply in Support Filed By: Counter Defendant Las Vegas Sun Inc <i>Las Vegas Sun, Inc.'s Reply In Support Of Motion To Dismiss Counterclaims Or, Alternatively, To Stay Counterclaims Pending Federal Court Action</i>
11/18/2019	 Appendix Filed By: Counter Defendant Las Vegas Sun Inc <i>Appendix To Las Vegas Sun, Inc.'s Reply In Support Of Motion To Dismiss Counterclaims Or, Alternatively, To Stay Counterclaims Pending Federal Court Action</i>
11/18/2019	 Motion to Seal/Redact Records Filed By: Counter Defendant Las Vegas Sun Inc <i>Motion For Leave To File Documents Under Seal [Exhibits 7 And 9 To Las Vegas Sun, Inc.'s Reply In Support Of Motion To Dismiss Counterclaims Or, Alternatively, To Stay Counterclaims Pending Federal Court Action And References Thereto]</i>
11/18/2019	 Motion for Protective Order Filed By: Counter Defendant Las Vegas Sun Inc <i>Motion for Protective Order Staying Discovery Pending Resolution of Sun's Motion to Dismiss Counterclaims, or Alternatively, to Stay Counterclaims Pending Federal Court Action</i>
11/19/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
11/19/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
11/19/2019	 Motion Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>News+Media Capital Group LLC And Las Vegas Review-Journal, Inc.s' Motion To Modify Protective Order On Order Shortening Time</i>
11/19/2019	 Notice of Change of Hearing <i>Notice of Change of Hearing</i>
11/19/2019	 Filed Under Seal Filed By: Counter Defendant Las Vegas Sun Inc <i>Las Vegas Sun, Inc.'s Reply in Support of Motion to Dismiss Counterclaims or Alternatively, to Stay Counterclaims Pending Federal Court Action</i>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-772591-B

11/19/2019	 Filed Under Seal Filed By: Counter Defendant Las Vegas Sun Inc <i>Appendix to Las Vegas Sun, Inc.'s Reply in Support of Motion to Dismiss Counterclaims or Alternatively, to Stay Counterclaims Pending Federal Court Action</i>
11/20/2019	 Amended Order Setting Jury Trial <i>2nd Amended Order Setting Civil Jury Trial, Pre-Trial, Calendar Call, and Deadlines for Motions; Amended Discovery Scheduling Order</i>
11/21/2019	 Stipulation and Order Filed by: Counter Defendant Las Vegas Sun Inc <i>Stipulation and Order to Extend Deadline for Reply in Support of Motion to Dismiss Counterclaims or, Alternatively, to Stay Counterclaims Pending Federal Court Action (First Request)</i>
11/21/2019	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant Las Vegas Sun Inc <i>Notice of Entry of Stipulation and Order to Extend Deadline for Reply in Support of Motion to Dismiss Counterclaims or, Alternatively, to Stay Counterclaims Pending Federal Court Action (First Request)</i>
11/22/2019	 Motion to Stay Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>News+Media Capital Group LLC And Las Vegas Review-Journal, Inc.'s Emergency Motion To Stay Case And Postpone Action On Arbitration-Related Motions On Order Shortening Time</i>
11/25/2019	 Stipulation and Order Filed by: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Stipulation And Order To Extend Time For Defendants To File Response To Plaintiff's First Amended Complaint</i>
11/25/2019	 Notice of Entry of Stipulation and Order Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Notice Of Entry Of Stipulation And Order To Extend Time For Defendants To File Response To Plaintiff's First Amended Complaint</i>
11/27/2019	 Notice of Rescheduling of Hearing Filed by: Counter Defendant Las Vegas Sun Inc <i>Notice of Rescheduling</i>
12/02/2019	 Non Opposition Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Defendants' Non-Opposition To Motion For Leave To File Documents Under Seal (Exhibits 7 And 9 To Plaintiff's Reply In Support Of Motion To Dismiss Counterclaims Or, Alternatively, To Stay Counterclaims Pending Federal Court Action And References Thereto)</i>
12/02/2019	 Motion to Seal/Redact Records Filed By: Counter Defendant Las Vegas Sun Inc <i>Motion for Leave to File Documents Under Seal [Exhibits 5, 7, and 9 to Las Vegas Sun, Inc.'s Opposition to Defendants' Emergency Motion to Stay Case and Postpone Action on Arbitration-Related Motions on OST and References Thereto]</i>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-18-772591-B

12/02/2019	 Opposition and Countermotion <i>Las Vegas Sun, Inc.'s Opposition to News+Media Capital Group LLC and Las Vegas Review-Journal, Inc.'s Emergency Motion to Stay Case and Postpone Action on Arbitration-Related Motions on Order Shortening Time and Countermotion to Stay Defendants' Tenth, Twenty-Sixth and Twenty-Seventh Affirmative Defenses (Redacted)</i>
12/02/2019	 Opposition and Countermotion Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>News+Media Capital Group LLC's And Las Vegas Review-Journal, Inc.'s (1) Opposition To Plaintiff's Motion For Protective Order Staying Discovery Pending Resolution Of Sun's Motion To Dismiss Counterclaims, Or Alternatively, To Stay Counterclaims Pending Federal Court Action, And In The Alternative, (2) Countermotion To Stay All Discovery</i>
12/02/2019	 Opposition to Motion Filed By: Counter Defendant Las Vegas Sun Inc <i>Las Vegas Sun, Inc.'s Opposition to News+Media Capital Group LLC and Las Vegas Review-Journal, Inc.'s Motion to Modify Protective Order on Order Shortening Time</i>
12/03/2019	 Reply in Support Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Reply In Support Of News+Media Capital Group LLC And Las Vegas Review-Journal, Inc.'s Emergency Motion to Stay Case and Postpone Action on Arbitration-Related Motions on Order Shortening Time and Opposition to Countermotion to Stay Defendants' Tenth, Twenty-Sixth And Twenty-Seventh Affirmative Defenses</i>
12/03/2019	 Filed Under Seal Filed By: Counter Defendant Las Vegas Sun Inc <i>Las Vegas Sun Inc's Opposition to News+Media Capital Group LLC and Las Vegas Review-Journal Inc's Emergency Motion to Stay Case and Postpone Action on Arbitration-Related Motions on Order Shortening Time and Countermotion to Stay Defendants' Tenth, Twenty-Sixth and Twenty-Seventh Affirmative Defenses 12/02/19 Motion to Leave to File Documents Under Seal [Exhibits 5,7, and 9 to Las Vegas Inc's Opposition to Defendants' Emergency Motion to Stay Case and Postpone Action on Arbitration-Related Motions on OST and References Thereto</i>
12/03/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
12/17/2019	 Order Granting <i>Order Granting in Part and Denying in Part Plaintiff's Motion to Compel Production of Documents</i>
12/18/2019	 Notice of Entry of Order Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Notice Of Entry Of Order Granting In Part And Denying In Part Plaintiff's Motion To Compel Production Of Documents</i>
01/03/2020	 Objection Filed By: Counter Claimant Las Vegas Review-Journal Inc <i>News+Media Capital Group LLC's and Las Vegas Review-Journal, Inc.'s Objection to Las Vegas Sun, Inc.'s Proposed Findings of Fact, Conclusions of Law, and Order Affirming the Arbitration Award</i>
01/09/2020	 Order Granting Motion

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-772591-B

Filed By: Counter Defendant Las Vegas Sun Inc
Order Granting in Part and Denying in Part Pltf's Motion to Dismiss Counterclaims or Alternatively to Stay

01/13/2020



Notice of Entry of Order

Filed By: Counter Defendant Las Vegas Sun Inc
Notice of Entry of Order Granting in Part and Denying in Part Plaintiff's Motion to Dismiss Counterclaims or Alternatively, to Stay Counterclaims Pending Federal Court Action

01/16/2020



Motion for Leave to File

News+Media Capital Group LLC And Las Vegas Review-Journal, Inc.'s Motion For Leave To File Additional Briefing Requested By Court On Order Shortening Time

01/21/2020



Notice of Withdrawal of Attorney

Filed by: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc
Notice of Withdrawal of Attorney Akke Levin

01/28/2020



Opposition to Motion

Filed By: Counter Defendant Las Vegas Sun Inc
Las Vegas Sun, Inc.'s Opposition to News+Media Capital Groups LLC and Las Vegas Review-Journal, Inc.'s Motion for Leave to File Additional Briefing Requested by Court on Order Shortening Time

01/28/2020



Findings of Fact, Conclusions of Law and Order

Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc
Findings Of Facts, Conclusions Of Law, And Order Affirming The Arbitration Award

01/28/2020



Notice of Entry

Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc
Notice Of Entry Of Findings Of Facts, Conclusions Of Law And Order Affirming The Arbitration Award

01/28/2020



Notice of Appeal

Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc
News+Media Capital Group LLC And Las Vegas Review-Journal, Inc.'s Notice Of Appeal

01/28/2020



Case Appeal Statement

Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc
News+Media Capital Group LLC And Las Vegas Review-Journal, Inc.'s Case Appeal Statement

01/31/2020



Order

Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc
Order Granting In Part And Denying In Part News+Media Capital Group LLC And Las Vegas Review-Journal, Inc.'s Emergency Motion To Stay Case And Postpone Action On Arbitration-Related Motions On Order Shortening Time And Denying Las Vegas Sun, Inc.'s Countermotion To Stay Defendants' Tenth, Twenty-Sixth And Twenty-Seventh Affirmative Defenses

02/04/2020



Notice of Entry of Order

Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas

EIGHTH JUDICIAL DISTRICT COURT











CASE SUMMARY
CASE NO. A-18-772591-B

	Review-Journal Inc <i>Notice Of Entry Of Order</i>
02/10/2020	 Stipulation and Order Filed by: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Stipulation and Order to Withdraw as Co-Counsel of Record</i>
02/10/2020	 Notice of Entry of Stipulation and Order Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Notice of Entry of Stipulation and Order to Withdraw as Co-Counsel of Record</i>
02/11/2020	 Notice of Appeal Filed By: Counter Defendant Las Vegas Sun Inc <i>Las Vegas Sun, Inc.'s Notice of Cross-Appeal</i>
02/11/2020	 Case Appeal Statement Filed By: Counter Defendant Las Vegas Sun Inc <i>Las Vegas Sun, Inc.'s Case Appeal Statement</i>
02/12/2020	 Motion to Seal/Redact Records Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Defendant News+Media Capital Group, LLC's and Defendant/Counterclaimant Las Vegas Review-Journal, Inc.'s Motion to Seal All Materials Generated in the Private Arbitration</i>
02/14/2020	 Clerk's Notice of Nonconforming Document <i>Clerk's Notice of Nonconforming Document</i>
02/14/2020	 Order Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Order Granting In Part And Denying In Part News+Media Capital Group LLC And Las Vegas Review-Journal, Inc.'s Motion For Leave To File Additional Briefing Requested By Court On Order Shortening Time</i>
02/14/2020	 Notice of Entry of Order Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Notice Of Entry Of Order</i>
02/14/2020	 Request Filed by: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Request For Transcripts</i>
02/14/2020	 Reporters Transcript <i>Court Reporters transcript of Proceedings (Civil) October 22, 2019</i>
02/14/2020	 Reporters Transcript <i>Court Reporters transcript of Proceedings (Civil) December 4, 2019</i>
02/18/2020	 Judgment Filed By: Counter Defendant Las Vegas Sun Inc

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-18-772591-B

Judgment

02/18/2020	 Notice of Entry of Judgment Filed By: Counter Defendant Las Vegas Sun Inc <i>Notice of Entry of Judgment</i>
02/26/2020	 Opposition to Motion Filed By: Counter Defendant Las Vegas Sun Inc <i>Las Vegas Sun, Inc.'s Opposition to Defendants' Motion to Seal All Materials Generated in the Private Arbitration</i>
02/28/2020	 Amended Notice of Appeal Party: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>News+Media Capital Group LLC And Las Vegas Review-Journal, Inc.'s Amended Notice Of Appeal</i>
02/28/2020	 Amended Case Appeal Statement Party: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>News+Media Capital Group LLC And Las Vegas Review-Journal, Inc.'s Amended Case Appeal Statement</i>
03/04/2020	 Motion for Leave to File <i>Defendant News+Media Capital Group LLC's And Defendant/Counterclaimant Las Vegas Review-Journal, Inc.'s Motion For Leave To File Under Seal (Exhibits 9-10 To Reply In Support Of Motion To Seal All Materials Generated In The Private Arbitration)</i>
03/04/2020	 Reply in Support Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Defendant News+Media Capital Group, LLC's And Defendant/Counterclaimant Las Vegas Review-Journal, Inc.'s Reply In Support Of Motion To Seal All Materials Generated In the Private Arbitration</i>
03/05/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
03/05/2020	 Filed Under Seal Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Defendant News + Media Capital Group LLC's and Defendant/Counterclaimant Las Vegas Review-Journal, Inc.'s Reply in Support of Motion to Seal All Materials Generated in the Private Arbitration (Per Defendant News+Media Capital Group LLC's and Defendant/Counterclaimant Las Vegas Review-Journal, Inc.'s Motion for Leave to File Under Seal [Exhibits 9-10 to Reply in Support of Motion to Seal All Materials Generated in the Private Arbitration]; Filed 3/4/2020)</i>
03/06/2020	 Motion Filed By: Defendant News+Media Capital Group LLC; Counter Claimant Las Vegas Review-Journal Inc <i>Defendant News+Media Capital Group LLC's And Defendant/Counterclaimant Las Vegas Review-Journal, Inc.'s Motion To Approve Alternate Security And Stay Execution On Judgment Pending Appeal On Order Shortening Time</i>
03/13/2020	 Notice of Appeal Filed By: Counter Defendant Las Vegas Sun Inc

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-18-772591-B

Las Vegas Sun, Inc.'s Notice of Appeal

03/13/2020



Case Appeal Statement

Las Vegas Sun, Inc.'s Case Appeal Statement

DISPOSITIONS

02/18/2020

Judgment Plus Interest (Judicial Officer: Williams, Timothy C.)

Debtors: News+Media Capital Group LLC (Defendant), Las Vegas Review-Journal Inc (Defendant)

Creditors: Las Vegas Sun Inc (Plaintiff)

Judgment: 02/18/2020, Docketed: 02/19/2020

Total Judgment: 1,924,179.94

Debtors: News+Media Capital Group LLC (Defendant), Las Vegas Review-Journal Inc (Defendant)

Creditors: Las Vegas Sun Inc (Plaintiff)

Judgment: 02/18/2020, Docketed: 02/19/2020

Total Judgment: 40,666.38

HEARINGS

08/22/2018



Minute Order (2:27 PM) (Judicial Officer: Denton, Mark R.)

Minute Order: Recusal

Minute Order - No Hearing Held; Minute Order: Recusal

Journal Entry Details:

GIVEN the Court's previous professional relationship with one of the parties and its previous professional and long-time personal friendship with principals of the same, and to avoid the appearance of impropriety, the Court RECUSES from further involvement in this case and directs that it be reassigned to another Business Court Department. CANON 2, Rule 2.11, Commentary [1]. IT IS SO ORDERED. CLERK S NOTE: This Minute Order was electronically served by Courtroom Clerk, April Watkins, to all registered parties for Odyssey File & serve. aw;

10/24/2018

Motion to Compel (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Plaintiffs' Motion to Compel Arbitration

Minute Order Dated 08-22-18

Motion Granted;

10/24/2018

Motion to Dismiss (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Defendants' Motion to Dismiss

Minute Order Dated 08-22-18

Motion Denied;

10/24/2018



All Pending Motions (9:00 AM) (Judicial Officer: Williams, Timothy C.)

MINUTES

Matter Heard;

Journal Entry Details:

APPEARANCES CONTINUED: Robert Cauthorn, representative of Las Vegas Sun, present. DEFENDANTS' MOTION TO DISMISS...PLAINTIFFS' MOTION TO COMPEL ARBITRATION Arguments by counsel on Motions. Court stated ITS FINDINGS and ORDERED, Motion to Dismiss DENIED; Motion to Compel GRANTED. Pltf. to prepare order and circulate to counsel.;

12/04/2018



Motion (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Motion to Extend Deadline for the Filing of Defendants Response to Plaintiffs Motion for Partial Summary Judgment and to Vacate and Reschedule Hearing on Order Shortening Time (First Request)

Motion Granted;

Journal Entry Details:

APPEARANCES CONTINUED: Robert Cauthorn, representative of Las Vegas Sun, present.


EIGHTH JUDICIAL DISTRICT COURT


CASE SUMMARY
CASE NO. A-18-772591-B


Matter of Motion to Extend Deadline for the Filing of Defendants Response to Plaintiffs Motion for Partial Summary Judgment and to Vacate and Reschedule Hearing on Order Shortening Time (First Request). Arguments by counsel. Colloquy regarding possible continuance of all pending matters and scheduling briefing. COURT ORDERED, Motion GRANTED; Response to Motion for Partial Summary Judgment DUE 12/10/18; Reply thereto DUE 12/17/18 by 12:00 p.m. COURT FURTHER ORDERED, following matters CONTINUED: Pltf's Motion for Partial Summary Judgment and Defts' Motion for Reconsideration on Order Shortening Time. CONTINUED TO: 12/19/18 1:15 P.M.;

12/19/2018 **Motion for Partial Summary Judgment (1:15 PM)** (Judicial Officer: Williams, Timothy C.)
Plaintiff's Motion for Partial Summary Judgment for Declaratory Relief and Breach of Contract/Specific Performance (First and Fourth Claims for Relief)
Motion Denied; See 2/4/19 Minute Order

12/19/2018 **Motion For Reconsideration (1:15 PM)** (Judicial Officer: Williams, Timothy C.)
Defendants' Motion for Reconsideration of Court's Order Granting Plaintiff's Motion to Compel Arbitration and Denying Defendants' Motion to Dismiss, and Request for Stay on Order Shortening Time
Motion Denied;

12/19/2018  **All Pending Motions (1:15 PM)** (Judicial Officer: Williams, Timothy C.)
Matter Heard;
Journal Entry Details:
APPEARANCES CONTINUED: Nicole Scott, Esq. present for Pltf. Las Vegas Sun. Representatives of Las Vegas Sun present: Brian Greenspun, Myra Greenspun, and Robert Cauthorn, present. DEFENDANTS' MOTION FOR RECONSIDERATION OF COURT'S ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL ARBITRATION AND DENYING DEFENDANTS' MOTION TO DISMISS, AND REQUEST FOR STAY ON ORDER SHORTENING TIME Arguments by counsel. COURT ORDERED, Motion DENIED; Ms. Martini to prepare detailed amended order within a week. PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT FOR DECLARATORY RELIEF AND BREACH OF CONTRACT/SPECIFIC PERFORMANCE Arguments by counsel. Court advised decision forthcoming within a week.;

02/04/2019  **Minute Order (8:13 AM)** (Judicial Officer: Williams, Timothy C.)
re: Plaintiff LVS s Motion for Partial Summary Judgment for Declaratory Relief and Breach of Contract for Specific Performance (First and Fourth Claims for Relief)
Minute Order - No Hearing Held;
Journal Entry Details:
After a review and consideration of the points and authorities on file herein, and the argument of counsel, the Court determined as follows: The Court has reviewed the issues raised by Plaintiff, Las Vegas, Sun, Inc. (LVS) in its Motion for Partial Summary Judgment for Declaratory Relief and Breach of Contract/Specific Performance (First and Fourth Claims for Relief). It is clear that the Joint Operating Agreement (JOA) is binding and controls the contractual relationship as to LVS and the News+Media Capital Group, LLC. (News-Media). However, issues as to whether there is a material breach of Section 5.1 and Appendices A and B of the JOA by Defendant, News-Media are questions of fact and not the proper basis to support granting summary judgment at this time. Additionally, the remedy of specific performance is only available as an alternative claim to monetary damage where the remedy at law is inadequate. It is premature at this time to reach such a conclusion. Ultimately, the Court anticipates that all issues of compliance and/or breach of Section 5.1 and Appendices A and B of the JOA will require expert testimony to assist the trier of fact in reaching their decision in this matter. Based on the foregoing, Plaintiff LVS s Motion for Partial Summary Judgment for Declaratory Relief and Breach of Contract for Specific Performance (First and Fourth Claims for Relief) shall be DENIED. Counsel for News-Media shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature. CLERK S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile.;

04/03/2019  **Mandatory Rule 16 Conference (9:15 AM)** (Judicial Officer: Williams, Timothy C.)
Matter Heard;

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-18-772591-B

Journal Entry Details:

Matter of Mandatory Discovery Conference. Ms. Martini advised related arbitration begins 4/15/19 and concludes 4/26/19. Colloquy regarding impact of the arbitration as to discovery proceeding in this case and claims anticipated for trial. Court stated 2 weeks to be set aside for trial. As to witnesses, Ms. Martini advised 13 total which accounts for 3 duplicates. Ms. Levin advised a confidentiality and protective order and ESI to be negotiated. There being agreement, COURT ORDERED, Trial dates SET; Close of Discovery SET 9/27/19. Department to issue scheduling order. 1/9/20 10:30 AM PRETRIAL/CALENDAR CALL 1/27/20 9:30 AM BENCH TRIAL ;

08/21/2019



Motion for Protective Order (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Motion for Protective Order and Objections Under NRCP 45

Granted in Part; See 9/4/19 Minute Order

Journal Entry Details:

APPEARANCES CONTINUED: Benjamin Lipman, Esq. also present as General Counsel for Las Vegas Review-Journal. Matter of Review-Journal's Motion for Protective Order and Objections Under NRCP 45. Mr. Jones argued for opportunity for review and privilege log, and for expansive view as to a representative. Ms. Martini proposed monthly case management conferences and argued burden not met as to whether fact witness at issue covered. Court stated decision to issue next week by way of Minute Order. Colloquy regarding proposed monthly conferences. Court stated if efforts to resolve issue discussed are unsuccessful, Court will entertain motion on order shortening time from Ms. Martini.;

09/04/2019



Minute Order (12:12 PM) (Judicial Officer: Williams, Timothy C.)

Motion for Protective Order and Objections Under NRCP 45



Minute Order - No Hearing Held;

Journal Entry Details:

After review and consideration of the arguments of counsel and the moving papers on file herein, the Court determined as follows: Upon reflection, the Court has considered Defendant News+Media Capital Group, LLC and Las Vegas Review Journal, Inc. s (Collectively the R.J.s) Motion for a Protective Order as it relates to Plaintiff Las Vegas Sun, Inc. s (LV Sun) Notice of Subpoena Duces Tecum regarding the files of J. Ford Huffman. According to the declaration of Keith Moyer dated August 14, 2019, Mr. Huffman was retained to perform two functions. The first task was to assist R.J. employees and managers in the redesign of the newspaper, including the LV Sun insert portion of the newspaper. Mr. Huffman also consulted with and assisted the R.J. as a litigation consultant in responding to the LV Sun s Motion for Summary Judgment. The Court is well aware of positions asserted by the parties and would probably be required to conduct an evidentiary hearing to determine if Mr. Huffman s role in assisting the R.J. rose to the level of functional equivalent of an employee and thus subject to attorney client privilege. Additionally, Defendant R.J. alleges that Mr. Huffman was retained as a litigation consultant resulting in the application of the work product doctrine. Considering the totality of the arguments presented, without a more developed record, it is uncertain as to whether the functional equivalent doctrine applies at this time. However, it is patently apparent that Mr. Huffman has been retained by Defendant R.J. in the dual capacity to work on the newspaper redesign and as a litigation consultant. As a result of Mr. Huffman s dual capacity, the Court will take a cautious approach to the production of documents in Mr. Huffman s possession. In order to prevent the inadvertent disclosure of privileged documents, the Court feels that in order to save time and expedite discovery in this matter and without the necessity of an evidentiary hearing, the Court shall require Mr. Huffman to supply all documents in his possession to Defendant R.J., who then shall be required to prepare a privilege log identifying all documents with particularity and assert the basis, if any for privileged documents for the record. The privileged log shall be prepared and exchanged by counsel within ten days from entry of this Court s order. In addition, the Court shall set a status check on 10/16/2019 at 9:00AM to expedite the discovery and to address the applicability of any asserted privileges. Consequently, Defendant R.J. s Motion for Protective Order shall be Granted in Part as to potential work product privileged based on work as a litigation consultant and Denied in Part as to the functional equivalent employer classifications. Counsel for Defendant R.J. shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature. CLERK'S NOTE: The above Minute Order has been corrected with regards to the status check date as was brought to the Court s attention. The initial 10/4/19 setting was a date on which the Court is unavailable; the correct status check date is 10/16/19 at 9:00 a.m. as reflected above. This Minute Order has been electronically served to the parties through Odyssey eFile. /cd 9-26-19/;

EIGHTH JUDICIAL DISTRICT COURT


CASE SUMMARY
CASE NO. A-18-772591-B

09/25/2019	 Motion for Leave (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Defendants News+Media Capital Group LLC and Las Vegas Review-Journal, Inc.'s Motion for Leave to Amend Answer and Assert Counterclaim on Order Shortening Time</i> Motion Granted; Journal Entry Details: <i>APPEARANCES CONTINUED: Representatives of Pltf. present: Brian Greenspun, Myra Greenspun, and Amy Greenspun. Benjamin Lipman, Esq. present as General Counsel for Deft. Las Vegas Review-Journal. Attorney David Singer, Pro Hac pending, present for Defts. Matter of Defendants News+Media Capital Group LLC and Las Vegas Review-Journal, Inc.'s Motion for Leave to Amend Answer and Assert Counterclaim on Order Shortening Time. Mr. Jones requested pending Motions to Associate Counsel David Singer, Amy Gallegos, and Richard Stone be granted. Mr. Reid advised no opposition to the Motions. COURT ORDERED, Motions to Associate Counsel GRANTED. Arguments by Mr. Jones and Mr. Pisanelli regarding Motion for Leave. COURT ORDERED, Motion for Leave GRANTED; no rights have been waived. Mr. Jones advised will prepare the order and circulate to counsel.;</i>
10/16/2019	CANCELED Status Check (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Vacated - per Stipulation and Order</i> <i>Status Check re Trial Readiness</i>
10/16/2019	CANCELED Motion to Associate Counsel (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Vacated</i> <i>Defendant's Motion To Associate Counsel (Richard Lee Stone, Esq.)</i>
10/16/2019	CANCELED Motion to Associate Counsel (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Vacated</i> <i>Defendant's Motion To Associate Counsel (Amy Marshall Gallegos, Esq.)</i>
10/16/2019	CANCELED Motion to Associate Counsel (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Vacated</i> <i>Motion To Associate Counsel (David Ransen Singer, Esq.)</i>
10/22/2019	Motion to Confirm Arbitration Award (1:30 PM) (Judicial Officer: Williams, Timothy C.) <i>Plaintiff's Motion to Confirm Arbitration Award, in Part, and to Vacate or, Alternatively, Modify or Correct the Award, in Part</i> Granted in Part; See 12/4/19 Minute Order
10/22/2019	Motion to Vacate (1:30 PM) (Judicial Officer: Williams, Timothy C.) <i>Defendants' Motion To Vacate Arbitration Award</i> Motion Denied; See 12/4/19 Minute Order
10/22/2019	 All Pending Motions (1:30 PM) (Judicial Officer: Williams, Timothy C.) Matter Heard; Journal Entry Details: <i>APPEARANCES CONTINUED: Benjamin Lipman, Esq. present as General Counsel for Deft. Las Vegas Review-Journal. PLAINTIFF'S MOTION TO CONFIRM ARBITRATION AWARD, IN PART, AND TO VACATE OR, ALTERNATIVELY, MODIFY OR CORRECT THE AWARD, IN PART...DEFENDANTS' MOTION TO VACATE ARBITRATION AWARD Argument by Mr. Reid. CONFERENCE AT BENCH. Arguments by Mr. Reid and Mr. Jones. Mr. Jones provided document for Court's review. Colloquy regarding scheduling other pending matters from today. As to the Arbitration Motions, Court stated will issue decision after review of issues regarding exceeding powers, common law, sufficient evidence, and manifest disregard. COURT ORDERED, outstanding pending matters from today CONTINUED. CONTINUED TO: 10/31/19 1:00 PM PLAINTIFF'S MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL AS TO MOTION TO CONFIRM ARBITRATION AWARD, IN PART, AND TO VACATE OR, ALTERNATIVELY, MODIFY OR CORRECT THE AWARD...DEFENDANTS' MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL AS TO MOTION TO VACATE...PLAINTIFF'S MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL AS TO OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER AND ASSERT COUNTERCLAIM...PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF</i>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY


CASE NO. A-18-772591-B

	<i>DOCUMENTS...STATUS CHECK: EXPEDITED DISCOVERY AND APPLICABILITY OF ASSERTED PRIVILEGES;</i>
10/31/2019	Motion to Compel (1:00 PM) (Judicial Officer: Williams, Timothy C.) <i>Plaintiff's Motion to Compel Production of Documents</i> Per 9/17/19 Stipulation and Order Motion Granted;
10/31/2019	Motion to Seal/Redact Records (1:00 PM) (Judicial Officer: Williams, Timothy C.) <i>Plaintiff's Motion For Leave To File Documents Under Seal as to Opposition to Defendants' Motion for Leave to Amend Answer and Assert Counterclaim</i> Under Advisement; See 11/12/19 Minutes
10/31/2019	Motion for Leave (1:00 PM) (Judicial Officer: Williams, Timothy C.) <i>Plaintiff's Motion for Leave to File Documents Under Seal as to Motion to Confirm Arbitration Award, in Part, and to Vacate or, Alternatively, Modify or Correct the Award</i> Under Advisement; See 11/12/19 Minutes
10/31/2019	Motion for Leave (1:00 PM) (Judicial Officer: Williams, Timothy C.) <i>Defendants' Motion For Leave To File Documents Under Seal</i> Under Advisement; See 11/12/19 Minutes
10/31/2019	Status Check (1:00 PM) (Judicial Officer: Williams, Timothy C.) <i>Status Check: Expedited Discovery and Applicability of Asserted Privileges</i> Matter Heard;
10/31/2019	 All Pending Motions (1:00 PM) (Judicial Officer: Williams, Timothy C.) Matter Heard; Journal Entry Details: <i>PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS Arguments by Ms. Martini and Mr. Jones. COURT ORDERED, Motion GRANTED; documents must be provided; no sanctions at this time in light of third-party issues. Colloquy regarding a status check as to outstanding issues and electronically stored information ("ESI"). COURT FURTHER ORDERED, Status Check regarding same SET for time of 11/6/19 matters hearing. PLAINTIFF'S MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL AS TO MOTION TO CONFIRM ARBITRATION AWARD, IN PART, AND TO VACATE OR, ALTERNATIVELY, MODIFY OR CORRECT THE AWARD...PLAINTIFF'S MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL AS TO OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER AND ASSERT COUNTERCLAIM...DEFENDANTS' MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL Arguments by Mr. Smith and Mr. Jones. Discussion regarding an appendix with tabs for submission of the Motions. Court directed the supplement delivered by Monday next week for a decision. STATUS CHECK: EXPEDITED DISCOVERY AND APPLICABILITY OF ASSERTED PRIVILEGES Court noted matter previously addressed. 11/4/19 3:00 AM (CHAMBERS) STATUS CHECK: SUPPLEMENT TO MOTIONS FOR LEAVE TO FILE DOCUMENTS UNDER SEAL 11/6/19 9:00 AM STATUS CHECK: OUTSTANDING DISCOVERY AND ESI;</i>
11/06/2019	Motion to Seal/Redact Records (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Defendants Motion to Seal Opposition and Exhibits A-K</i> Under Advisement; See 11/12/19 Minutes
11/06/2019	Opposition and Countermotion (9:00 AM) (Judicial Officer: Williams, Timothy C.) 11/06/2019, 11/12/2019 <i>Defendants News+Media Capital Group LLC and Las Vegas Review Journal, Inc's Opposition to Plaintiff's Motion to Confirm Arbitration Award, in part, and to Vacate or Alternatively, Modify or Correct the Award, in part, and Conditional Countermotion to Confirm Arbitration Award, in part, and to Vacate the Award, in Part</i> Matter Continued; Granted in Part; See 12/4/19 Minute Order Matter Continued; Granted in Part; See 12/4/19 Minute Order

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-772591-B

11/06/2019	<p>Motion to Seal/Redact Records (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Motion for Leave to File Documents Under Seal [The Sun's Opposition and Exhibits to Defendants' Motion to Vacate Arbitration Award]</i> Under Advisement; See 11/12/19 Minutes</p>
11/06/2019	<p>Motion for Leave (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Plaintiff's Motion for Leave to Amend Complaint</i> Motion Granted;</p>
11/06/2019	<p>Opposition and Countermotion (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Defendants' (1) Limited Opposition to Plaintiff's Motion for Leave to Amend Complaint and (2) Countermotion to Continue Trial</i> Decision Made;</p>
11/06/2019	<p>Status Check (9:00 AM) (Judicial Officer: Williams, Timothy C.) 11/06/2019, 11/12/2019 <i>Status Check: Outstanding Discovery and ESI</i> Matter Continued; Matter Heard; Matter Continued; Matter Heard;</p>
11/06/2019	<p> All Pending Motions (9:00 AM) (Judicial Officer: Williams, Timothy C.) Matter Heard; Journal Entry Details: <i>APPEARANCES CONTINUED: Robert Cauthorn, COO of Las Vegas Sun, also present. DEFENDANTS MOTION TO SEAL OPPOSITION AND EXHIBITS A-K...MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL [THE SUN'S OPPOSITION AND EXHIBITS TO DEFENDANTS' MOTION TO VACATE ARBITRATION AWARD] Arguments by Mr. Smith and Mr. Jones. Court stated will review matters and issue detailed minute order shortly. Court further stated records at issue remain in their current state until time of the order. Colloquy regarding supplementation provided today by counsel as relates to forthcoming decision on sealing Motions. Court stated it sought documents Arbitrator was relying upon, namely, the joint operating agreements. Court also stated no preclusion from supplementing the matter further. Mr. Gayan advised will provide a supplement by tomorrow or Friday. PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT...DEFENDANTS' (1) LIMITED OPPOSITION TO PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT AND (2) COUNTERMOTION TO CONTINUE TRIAL Arguments by Mr. Reid and Mr. Jones. COURT ORDERED, Motion for Leave to Amend Complaint GRANTED. Prevailing party to prepare the order. Discussion and argument by counsel regarding Countermotion to Continue Trial in light of two new claims. As to the Countermotion, COURT FURTHER ORDERED, case schedule as follows: Initial Experts 1/20/20; Rebuttal Experts 2/19/20; Close of Discovery 4/20/20; Dispositive Motions 5/18/20; Trial 6/15/20. Department to issue amended trial order. STATUS CHECK: OUTSTANDING DISCOVERY AND ESI...DEFENDANTS NEWS+MEDIA CAPITAL GROUP LLC AND LAS VEGAS REVIEW JOURNAL, INC'S OPPOSITION TO PLAINTIFF'S MOTION TO CONFIRM ARBITRATION AWARD, IN PART, AND TO VACATE OR ALTERNATIVELY, MODIFY OR CORRECT THE AWARD, IN PART, AND CONDITIONAL COUNTERMOTION TO CONFIRM ARBITRATION AWARD, IN PART, AND TO VACATE THE AWARD, IN PART Colloquy regarding rescheduling remaining matters from today as well as 11/13/19 matters. COURT ORDERED, today's pending matters CONTINUED to 11/12/19 afternoon; 11/13/19 matters RESET to same 11/12/19 session. CONTINUED TO: 11/12/19 1:15 PM STATUS CHECK: OUTSTANDING DISCOVERY AND ESI...DEFENDANTS NEWS+MEDIA CAPITAL GROUP LLC AND LAS VEGAS REVIEW JOURNAL, INC'S OPPOSITION TO PLAINTIFF'S MOTION TO CONFIRM ARBITRATION AWARD, IN PART, AND TO VACATE OR ALTERNATIVELY, MODIFY OR CORRECT THE AWARD, IN PART, AND CONDITIONAL COUNTERMOTION TO CONFIRM ARBITRATION AWARD, IN PART, AND TO VACATE THE AWARD, IN PART 11/12/19 1:15 PM DEFENDANTS' MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL...MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL [EXHIBITS 3-6 TO REPLY TO OPPOSITION TO PLAINTIFF'S MOTION TO CONFIRM ARBITRATION AWARD, IN PART, AND TO VACATE OR, ALTERNATIVELY, MODIFY OR CORRECT THE AWARD, IN PART, AND REFERENCES THERETO] 5/28/20 10:30 AM PRETRIAL/CALENDAR CALL 6/15/20 9:30 AM JURY TRIAL;</i></p>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-18-772591-B

11/12/2019	<p>CANCELED Status Check (3:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Vacated</i> <i>Status Check: Supplement to Motions for Leave to File Documents Under Seal (Pending UA from 10/31 and 11/6 Hearings)</i></p>
11/12/2019	<p>Motion to Seal/Redact Records (1:15 PM) (Judicial Officer: Williams, Timothy C.) <i>Defendants' Motion For Leave To File Documents Under Seal</i> Under Advisement;</p>
11/12/2019	<p>Motion to Seal/Redact Records (1:15 PM) (Judicial Officer: Williams, Timothy C.) <i>Motion for Leave to File Documents Under Seal [Exhibits 3-6 to Reply to Opposition to Plaintiff's Motion to Confirm Arbitration Award, in Part, and to Vacate or, Alternatively, Modify or Correct the Award, in Part, and References Thereto]</i> Under Advisement;</p>
11/12/2019	<p> All Pending Motions (1:15 PM) (Judicial Officer: Williams, Timothy C.) Matter Heard; Journal Entry Details: MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL [EXHIBITS 3-6 TO REPLY TO OPPOSITION TO PLAINTIFF'S MOTION TO CONFIRM ARBITRATION AWARD, IN PART, AND TO VACATE OR, ALTERNATIVELY, MODIFY OR CORRECT THE AWARD, IN PART, AND REFERENCES THERETO]...DEFENDANTS' MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL Matters submitted. Court stated will decide all seal issues together and notify counsel if assistance needed. DEFENDANTS NEWS+MEDIA CAPITAL GROUP LLC AND LAS VEGAS REVIEW JOURNAL, INC'S OPPOSITION TO PLAINTIFF'S MOTION TO CONFIRM ARBITRATION AWARD, IN PART, AND TO VACATE OR ALTERNATIVELY, MODIFY OR CORRECT THE AWARD, IN PART, AND CONDITIONAL COUNTERMOTION TO CONFIRM ARBITRATION AWARD, IN PART, AND TO VACATE THE AWARD, IN PART Mr. Gayan presented binder of materials for Court's review. Court noted receipt of materials needed for decision on the confirmation or vacate matter; decision anticipated before Thanksgiving Holiday. STATUS CHECK: OUTSTANDING DISCOVERY AND ESI Mr. Reid advised Ms. Martini unable to attend due to health issue. Mr. Gayan reviewed history of issues with vendor, the rational review, and custodians. Upon inquiry by Mr. Reid as to prior production compelled, Mr. Gayan advised will provide within two (2) weeks and earlier if possible. Court so noted. Discussion and arguments by counsel regarding custodians, search terms with respect to those involved in redesign, and second set of outstanding discovery. Mr. Jones presented documents for Court's review. Mr. Jones advised will perform search as discussed. Colloquy regarding special setting for results of ESI search and related issues as well as the Motion to Dismiss previously set 11/20. COURT ORDERED, Motion to Dismiss REST from 11/20/19 9:30 a.m. to 10:00 a.m.; Status Check SET 11/20/19 at 10:00 a.m. as to the ESI search, custodian issues, and second set of outstanding discovery. Mr. Reid advised will prepare order from today's hearing. 11/20/19 10:00 AM STATUS CHECK: RESULTS OF ESI SEARCH/CUSTODIAN ISSUES/SECOND SET OF OUTSTANDING DISCOVERY CONTINUED TO: 11/20/19 10:00 AM MOTION TO DISMISS COUNTERCLAIMS OR, ALTERNATIVELY, TO STAY COUNTERCLAIMS PENDING FEDERAL COURT ACTION;</p>
11/20/2019	<p>Motion to Dismiss (10:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Motion to Dismiss Counterclaims or, Alternatively, to Stay Counterclaims Pending Federal Court Action</i> Decision Made;</p>
11/20/2019	<p>Status Check (10:00 AM) (Judicial Officer: Williams, Timothy C.) 11/20/2019, 12/04/2019 <i>Status Check: Results of ESI Search/Custodian Issues/Second Set of Outstanding Discovery</i> Matter Continued; Matter Heard; Matter Continued; Matter Heard;</p>
11/20/2019	<p> All Pending Motions (10:00 AM) (Judicial Officer: Williams, Timothy C.)</p>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-772591-B

Matter Heard;

Journal Entry Details:

APPEARANCES CONTINUED: Benjamin Lipman, Esq. present as General Counsel for Deft. Las Vegas Review Journal. MOTION TO DISMISS COUNTERCLAIMS OR, ALTERNATIVELY, TO STAY COUNTERCLAIMS PENDING FEDERAL COURT ACTION...STATUS CHECK: RESULTS OF ESI SEARCH/CUSTODIAN ISSUES/SECOND SET OF OUTSTANDING DISCOVERY Arguments by Mr. Pisanelli and Mr. Jones regarding the Motion. COURT ORDERED, as to Motion to Dismiss Counterclaims, claims have merit until final adjudication; as to alternative Motion to Stay, matter stayed; will reserve ruling on subject matter jurisdiction and defer to pending resolution of action in Federal Court; Status Check SET in ninety (90) days regarding stay as to federal action. Colloquy regarding stay of entire case in light of anticipated issues with discovery. Court stated counsel may file appropriate motion for stay on order shortening time with setting not less than ten (10) days for response. Court directed Mr. Pisanelli prepare today's Motion order and circulate to counsel. As to today's Status Check, Mr. Reid advised the production outstanding of six months is promised next week. Court stated today's stay is not for purpose of the production. Mr. Gayan reviewed extensive search results, advised parties have agreed on certain terms and anticipates parties will meet and confer on issues. There being agreement, COURT ORDERED, Status Check matter CONTINUED to 12/4/19. CONTINUED TO: 12/4/19 9:00 AM STATUS CHECK: RESULTS OF ESI SEARCH/CUSTODIAN ISSUES/SECOND SET OF OUTSTANDING DISCOVERY 2/19/20 9:00 AM STATUS CHECK: STAY FOR FEDERAL ACTION;

11/27/2019



Minute Order (9:42 AM) (Judicial Officer: Williams, Timothy C.)

Motions re: Arbitration Award

Minute Order - No Hearing Held;

Journal Entry Details:

At the prior hearing in the instant matter, the Court restated its intention to publish a decision by a minute order on Defendants, New+MEDIA Capital Group LLC; Las Vegas Review Journal, Inc. (The RJ), Motion to Vacate the Arbitration Award, and the Plaintiff s, Las Vegas Sun, Inc., Countermotion to Confirm the Arbitration Award, in Part and to Vacate the Award in Part before November 28, 2019. The Court has reviewed the parties submissions and has finalized its decision and minute order. However, in light of the recent filing by the RJ seeking to stay all aspects of this case, the Court believes out of fairness it cannot publish its decision until after a hearing on the merits of the RJ s Motion to Stay is held. CLERK'S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile.;

12/04/2019

Motion to Stay (9:30 AM) (Judicial Officer: Williams, Timothy C.)

News+Media Capital Group LLC and Las Vegas Review-Journal, Inc.'s Emergency Motion to Stay Case And Postpone Action on Arbitration-Related Motions on Order Shortening Time Granted in Part;

12/04/2019

Status Check (9:30 AM) (Judicial Officer: Williams, Timothy C.)

Status Check: Decision on Motion to Confirm Arbitration Award; Motion to Vacate Arbitration Award

Matter Heard;

12/04/2019

Opposition and Countermotion (9:30 AM) (Judicial Officer: Williams, Timothy C.)

Las Vegas Sun, Inc.'s Opposition to News+Media Capital Group LLC and Las Vegas Review-Journal, Inc.'s Emergency Motion to Stay Case and Postpone Action on Arbitration-Related Motions on Order Shortening Time and Countermotion to Stay Defendants' Tenth, Twenty-Sixth and Twenty-Seventh Affirmative Defenses (Redacted)

Decision Made;

12/04/2019



All Pending Motions (9:30 AM) (Judicial Officer: Williams, Timothy C.)

Matter Heard;

Journal Entry Details:

APPEARANCES CONTINUED: Robert Cauthorn, COO for Pltf. Las Vegas Sun, present. Representatives of Pltf. present: Brian Greenspun and Myra Greenspun. Benjamin Lipman, Esq. present as General Counsel for Deft. Las Vegas Review-Journal. Representative of Deft. Las Vegas Review-Journal, Keith Moyer, present. EWS+MEDIA CAPITAL GROUP LLC AND LAS VEGAS REVIEW-JOURNAL, INC.'S EMERGENCY MOTION TO STAY CASE AND POSTPONE ACTION ON ARBITRATION-RELATED MOTIONS ON ORDER SHORTENING

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-772591-B

TIME...LAS VEGAS SUN, INC.'S OPPOSITION TO NEWS+MEDIA CAPITAL GROUP LLC AND LAS VEGAS REVIEW-JOURNAL, INC.'S EMERGENCY MOTION TO STAY CASE AND POSTPONE ACTION ON ARBITRATION-RELATED MOTIONS ON ORDER SHORTENING TIME AND COUNTERMOTION TO STAY DEFENDANTS' TENTH, TWENTY-SIXTH AND TWENTY-SEVENTH AFFIRMATIVE DEFENSES (REDACTED)...STATUS CHECK: DECISION ON MOTION TO CONFIRM ARBITRATION AWARD; MOTION TO VACATE ARBITRATION AWARD...STATUS CHECK: RESULTS OF ESI SEARCH/CUSTODIAN ISSUES/SECOND SET OF OUTSTANDING DISCOVERY Arguments by Mr. Jones and Mr. Pisanelli. COURT ORDERED, Motion GRANTED IN PART and DENIED IN PART; DENIED as to issue with respect to decision on arbitration; will stay all other case matters. Prevailing party to submit the order. Court stated a minute order is anticipated today as to arbitration confirmation or vacation. Further stated will issue decision without prejudice as to sealing motions, maintaining status quo, subject to future briefing as discussed.;

12/04/2019



Minute Order (5:11 PM) (Judicial Officer: Williams, Timothy C.)

Motions re Arbitration Award

Minute Order - No Hearing Held;

Journal Entry Details:

After a review and consideration of the points and authorities on file herein, the Court determined as follows: First, the Court will address collectively Defendant News + Media Capital Group, LLC s and the Review Journal s (Review Journal) Motion to Vacate the Arbitration Award, and then Plaintiff Las Vegas Sun, Inc. s (LV Sun) Motion to confirm the Arbitration Award, in Part and to Vacate or, Alternatively, Modify or Correct the Award in Part. The first issue raised by the Review Journal as the basis to vacate the Arbitrator s Award, focused on whether the Arbitrator disregarded the plain language of the Joint Operating Agreement (JOA) by failing to subtract editorial expenses from revenues in order to calculate EBITDA (earnings before interest, taxes, depreciation, and amortization) for the purposes of determining the LV Sun s share of profits under the JOA. Under Nevada Law, [t]he party seeking to attack the validity of an arbitration award has the burden of proving, by clear and convincing evidence, the statutory or common-law ground relied upon for challenging the award. Washoe Cty. Sch. Dist. v. White, 133 Nev. 301, 303, 396 P.3d 834, 838 (2017) quoting Health Plan of Nev., Inc. v. Rainbow Med., LLC, 120 Nev. 689, 695, 100 P.3d 172, 176 (2004). Additionally, [t]here are two common-law grounds recognized in Nevada under which a court may review private binding arbitration award: (1) whether the award is arbitrary, capricious, or unsupported by the agreement; and (2) whether the arbitrator manifestly disregarded the law. Id. at 306. The Nevada Supreme Court explained the distinction between the two as: the former standard ensures that the arbitrator does not disregard the facts or the terms of the arbitration agreement, while the latter standard ensures that the arbitrator recognizes applicable law. Id. Moreover, [j]udicial inquiry under the manifest-disregard-of-the-law standard is extremely limited. Id. When a party seeks to vacate an arbitration award based on manifest disregard of the law, they must show more than a mere objection to the results of the arbitration. Id. Consequently, the Court s focus is not on whether the Arbitrator correctly interpreted the law, but whether the arbitrator, knowing the law and recognizing that the law required a particular result, simply disregarded the law. Id. In the instant action, the Arbitrator recognized the JOA s plain language, considered its EBITDA, and determined that under the JOA deductions should be calculated for editorial expenses. Thus, there appears to be, at a minimum, a colorable justification for the Arbitrator s findings on this issue. The Arbitrator concluded: The term Retention was very similar to earnings before interest, taxes, depreciation and amortization (EBITDA). The prior (pre-2005) computation of Retention included Editorial Expenses of the RJ as allowable deductible expenses. On the other hand, a specific provision of the JOA (4.2), a provision which was new to the calculation in the 2005 JOA, specifically indicates that the RJ and Sun would each bear their own editorial costs meaning that the RJ would not, in keeping the books of the JOA, be permitted to deduct editorial expenses of the RJ in computing EBITDA of the JOA and the subsequent annual profits payments (if any) to the Sun. The weight of the evidence leads to the conclusion that the RJ has improperly deducted the RJ editorial expenses reducing the EBITDA of the JOA resulting in improperly low annual profits payments to the Sun. Arbitrator s Decision at page 5. Consequently, the Court finds that the Defendant Review Journal has failed to meet its burden by clear and convincing evidence that the Arbitrator manifestly disregarded the JOA s contract provisions as to the deduction of editorial expenses. Next, the Arbitrator focused on Section 5.1.4 of the JOA to determine the impact of promotional activities and expense on the EBITDA. After he weighed the evidence, he concluded that under his interpretation of Section 5.1.4 there was evidence of impermissible deductions. The Arbitrator noted: The weight of the evidence indicated that the RJ charged all promotional expenses to the JOA (both expenses that would be allowed as promotion of both the RJ and Sun in equal prominence and additional promotional activities expenses of the RJ only) resulting in lower EBITDA and

CASE SUMMARY

CASE NO. A-18-772591-B


payments to the Sun. There was not enough evidence presented in this matter to make a definitive damages calculation of wrongfully charged additional promotional activities expenses by the RJ. A crucial element of a breach of contract action is the proof of damages beyond speculation. Fortunately, the audit awarded in this matter could determine the damages (and additional profits payments due), if any, from the RJ's charging of all (both proper and additional) promotional expenses to the JOA EBITDA. It is the finding of this tribunal that additional promotional activities may not be included in the expenses charged to the JOA EBITDA. Arbitrator's Decision at page 6. In light of the Arbitrator's analysis and reliance of Section 5.1.4 of the JOA, the Court finds that there is not clear and convincing evidence that the Arbitrator manifestly disregarded the JOA's contract provisions as to promotional activities and expenses. Next, the Court reviews Defendant Review Journal's contentions that the Arbitrator exceeded his authority when he issued a two-page supplementary non-binding interpretation regarding the ordered audit. In determining the grounds for invalidating an arbitration award based on the assertion that an Arbitrator exceeded his authority, in *Washoe, the Nevada Supreme Court* noted: "The Nevada Arbitration Act provides specific grounds for invalidating an arbitration award. NRS 38.241(1)(d) dictates that a court shall vacate an arbitration award if the arbitrator exceeded his powers." *Health Plan of Nev., Inc.*, 120 Nev. at 697, 100 P.3d at 178 (internal citation omitted). In particular, "[a]rbitrators exceed their powers when they address issues or make awards outside the scope of the governing contract." *Id.* "However, allegations that an arbitrator misinterpreted the agreement or made factual or legal errors do not support vacating an award as being in excess of the arbitrator's powers." *Id.* Moreover, "[a]rbitrators do not exceed their powers if their interpretation of an agreement, even if erroneous, is rationally grounded in the agreement." *Id.* at 698, 100 P.3d at 178. As such, "[t]he question is whether the arbitrator had the authority under the agreement to decide an issue, not whether the issue was correctly decided." *Id.* Therefore, "[a]n award should be enforced so long as the arbitrator is arguably construing or applying the contract" and "there is a colorable justification for the outcome." *Id.* Nonetheless, "[t]he deference accorded an arbitrator . . . is not limitless; he is not free to contradict the express language of the contract." *Int'l Ass'n of Firefighters, Local 1285 v. City of Las Vegas*, 107 Nev. 906, 910, 823 P.2d 877, 879 (1991). *Washoe*, 133 Nev. at 304. It must be pointed out that Appendix D to the JOA provide that Plaintiff LV Sun has a right to a yearly audit as the Arbitrator noted: Appendix D to the JOA allowing for the Claimant to appoint a certified public accounting firm or law firm as Sun's representative to examine and audit the books and records of the Review-Journal and the other publications whose earnings are included in EBITDA for the purposes of verifying the determinations of the changes to the Annual Profit Payments (this provision has been referred to by both parties as audit). Respondent indicated that an audit has never been refused however the conduct of Respondent certainly has done just about everything possible to blunt, avoid, deter and postpone an audit. In accordance with the scope of this tribunal's authority, Claimant's request for an audit is granted. Claimant may undertake the audit for the periods covered by this award (December 15, 2015 through March 31, 2018) and forward per the declaratory relief granted. Respondent had requested that this award, if an audit be directed, limit the scope and/or party to conduct the audit. This award does not define the scope of the audit as part of the award as such specificity may be beyond the scope of the tribunal's authority. Arbitrator's Decision, page 6. In review of the Arbitrator's decision, the Arbitrator ordered an audit but recognized there is no provision for the creation of audit rules or guidelines in the JOA. Additionally, the Arbitrator noted that neither party requested any of audit rules or guidelines. It is clear in review of the Arbitrator's decision he was well aware of the limits of his authority and simply suggested a non-binding legal evaluation and recommendation as to the guideline for an audit. Thus, a non-binding legal opinion is not a sufficient basis to vacate an arbitration decision. Next, the Court has to consider whether the Arbitrator issued an Award that was arbitrary and capricious. Under Nevada law, a court's review of the arbitrary-and-capricious standard is limited to whether the arbitrator's findings are supported by substantial evidence in the record. *Washoe*, 133 Nev. at 308. Further, The arbitrary-and-capricious standard does not permit a reviewing court to vacate an arbitrator's award based on a misinterpretation of the law. *Id.* As this Court has already found, the Arbitrator based his rulings on his interpretations of the JOA. Under the facts of this case and the JOA, there is substantial evidence to support the Arbitrator's Award. Finally, although the Court has addressed the primary contested issues raised by Defendant Review Journal in its Motion to Vacate the Arbitration Award, the Court will briefly address the issues raised by the LV Sun. After reviewing Section 5.1.4, the Arbitrator determined that House Ads were not additional promotional activities and expenses. The LV Sun argues that the Arbitrator's ruling is arbitrary and capricious and a manifest disregard of the law. Nonetheless, the Court finds that the Arbitrator did consider section 5.1.4 in relation to House Ads, and as a result the Court Affirms the Arbitrator's ruling. Additionally, after weighing the evidence in this matter, the Arbitrator denied the LV Sun's tortious breach claims. The Court again reiterates that its inquiry under the manifest-disregard-of-the-law standard is extremely limited. Consequently, the Court will not reassess and weigh the evidence that the Arbitrator relied on to make his

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-772591-B

decision. It is clear to the Court that the Arbitrator understood that there is a distinction between contract and tort claims, and the unique nature of the covenant of good faith and fair dealing as it relates to contracts vs. torts. Further, the Arbitrator noted the sections of the JOA that the tort claims potentially applied. Although it is not set forth in detail how the Arbitrator evaluated the party's unique relationship, it appears he determined there was insufficient evidence of intentional conduct on this issue, and therefore, he found that the party's conduct does not qualify for tortious breach. Consequently, the Court cannot find that the Arbitrator manifestly disregarded the law or the JOA or that the decision was arbitrary and capricious. Also, the Arbitrator noted that both parties requested attorneys' fees, costs, and the cost of arbitration; but, found that no provision in the JOA addressed awarding attorney's fees and costs in connection with this matter. Rather, the Arbitrator interpreted Appendix D of the JOA and found that Appendix D addressed the award of arbitration fees and costs. As a consequence, the Arbitrator awarded only fees and costs of the arbitration. Thus, the Court finds that the Arbitrator did consider the entire JOA and more specifically Appendix D to support his ruling. Accordingly, the Court Affirms the Arbitrator's ruling on costs and fees. Lastly, the LV Sun argues that the Arbitrator failed to enter a ruling on whether the Review Journal breached the JOA audit provision. However, the Arbitrator noted that while the Review Journal has done just about everything possible to blunt, avoid, deter and postpone an audit, yet he determined that the Review Journal has never refused to conduct an audit. Therefore, the Arbitrator simply ordered that an audit be conducted and this decision is affirmed. As a result of the foregoing, the Review Journal's Motion to Vacate Arbitration Award shall be **DENIED**. The LV Sun's Motion to Confirm Arbitration Award, in Part, and to Vacate or, Alternatively, Modify or Correct the Award, in Part shall be **GRANTED** in Part and **DENIED** in Part. The LV Sun's motion is granted as to the request to confirm the Arbitration Award. The LV Sun's motion is denied as to all requests to vacate, modify, or correct the Arbitrator's Award. Lastly, the Review Journal's Conditional Countermotion to Confirm Arbitration Award, in Part, and to Vacate the Award, in Part shall be **GRANTED** in Part and **DENIED** in Part. The Review Journal's countermotion is granted as to the request to confirm the Arbitration Award. The Review Journal's countermotion is denied as to the request to vacate the Arbitration Award. Lastly, in order to alleviate any potential misunderstanding in light of the confusing procedural posture of the pleadings and request for relief in this case, it is the Court's intention to **AFFIRM** the entire Arbitration Decision as written. Counsel for Plaintiff shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature. **CLERK'S NOTE:** This Minute Order has been electronically served to the parties through Odyssey eFile.;

12/11/2019	CANCELED Motion to Modify or Dissolve TPO (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Vacated</i> <i>News+Media Capital Group LLC and Las Vegas Review-Journal, Inc.'s Motion to Modify Protective Order on Order Shortening Time</i>
01/09/2020	CANCELED Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Williams, Timothy C.) <i>Vacated - per Stipulation and Order</i>
01/10/2020	 Minute Order (11:45 AM) (Judicial Officer: Williams, Timothy C.) <i>Motions re: Sealing of Documents</i> <i>Minute Order - No Hearing Held;</i> <i>Journal Entry Details:</i> <i>On January 9, 2020, a stay was entered in this case. Therefore, the Court hereby vacates the pending motions under submission regarding sealing of documents. In the event of the stay being lifted, these matters will renew for consideration and decision. CLERK'S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile.;</i>
01/22/2020	CANCELED Status Check (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Vacated</i> <i>Status Check re Trial Readiness</i>
01/27/2020	CANCELED Jury Trial (9:30 AM) (Judicial Officer: Williams, Timothy C.) <i>Vacated - per Stipulation and Order</i>
01/29/2020	

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-18-772591-B



Motion for Leave (9:00 AM) (Judicial Officer: Williams, Timothy C.)

News+Media Capital Group LLC And Las Vegas Review-Journal, Inc.'s Motion For Leave To File Additional Briefing Requested By Court On Order Shortening Time

Motion Granted;

Journal Entry Details:

Upon Court's inquiry as to federal action status, Mr. Gayan advised Motions to Dismiss fully briefed, hearings not set, his client moved to stay pending dismissal, conference report submitted, and there is a 2/4/20 hearing before Magistrate on stay issue and the report. Arguments by Mr. Gayan and Mr. Smith regarding the instant Motion. Court stated there appears jurisdiction on the issue. COURT ORDERED, Motion For Leave To File Additional Briefing Requested By Court GRANTED. Colloquy regarding briefing and hearing schedule as to sealing issue and modification of stipulated protective order. There being agreement, COURT FURTHER ORDERED, briefing and hearing as follows: Motion DUE 2/12/20; Opposition DUE 2/26/20; Reply DUE 3/4/20; Hearing SET 3/11/20. Court directed Mr. Gayan to prepare today's order. COURT FURTHER ORDERED, 2/19/20 Status Check matters VACATED. 3/11/20 9:30 AM HEARING ON SEALING AND MODIFICATION ISSUE CLERK'S NOTE: Subsequent to proceedings, Court hereby clarifies as to the briefing there will be no strict page number limit; parties are to follow customary limit pursuant to the Rules. This Minute Order has been electronically served to the parties through Odyssey eFile.;

02/05/2020

CANCELED Motion for Leave (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Vacated

Plaintiff/Counter Defendant - Motion for Leave to File Documents Under Seal [Exhibits 7 and 9 to Las Vegas Sun, Inc.'s Reply in Support of Motion to Dismiss Counterclaims or, Alternatively, to Stay Counterclaims Pending Federal Court Action and References Thereto

02/05/2020

CANCELED Motion for Protective Order (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Vacated

Motion for Protective Order Staying Discovery Pending Resolution of Sun's Motion to Dismiss Counterclaims, or Alternatively, to Stay Counterclaims Pending Federal Court Action

02/05/2020

CANCELED Motion to Seal/Redact Records (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Vacated

Motion for Leave to File Documents Under Seal [Exhibits 5, 7, and 9 to Las Vegas Sun, Inc.'s Opposition to Defendants' Emergency Motion to Stay Case and Postpone Action on Arbitration-Related Motions on OST and References Thereto]

02/05/2020

CANCELED Opposition and Countermotion (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Vacated

News+Media Capital Group LLC's And Las Vegas Review-Journal, Inc.'s (1) Opposition To Plaintiff's Motion For Protective Order Staying Discovery Pending Resolution Of Sun's Motion To Dismiss Counterclaims, Or Alternatively, To Stay Counterclaims Pending Federal Court Action, And In The Alternative, (2) Countermotion To Stay All Discovery

02/19/2020

CANCELED Status Check (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Vacated

Status Check: Stay for Federal Action/Rescheduling Motions from 2/5/20 vacated per stay

02/19/2020

CANCELED Status Check (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Vacated

Status Check: Decision on Pending Motions re Sealing of Documents

03/11/2020



Hearing (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Hearing on Sealing and Modification Issue (Confirming 6/15/20 Trial date)

Supplemental Briefing Due;

Journal Entry Details:

Court noted case stayed. COURT ORDERED, Trial dates VACATED. Arguments and discussion by counsel regarding sealing issues with respect to the private arbitration. Colloquy regarding supplemental briefing on specific items in dispute and whether to submit under seal. Ms. Martini advised objection to request to seal the briefs by Mr. Jones. Court

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-772591-B

directed briefs to be submitted under seal. COURT ORDERED, supplemental brief from Pltf. DUE 3/25/20; responsive supplemental brief from Defense DUE 4/8/20; Chambers hearing SET 4/15/20. 4/15/20 CHAMBERS DECISION: SEALING AND MODIFICATION ISSUE;

03/12/2020



Minute Order (3:21 PM) (Judicial Officer: Williams, Timothy C.)

re: 3/18/20 Hearing

Minute Order - No Hearing Held;

Journal Entry Details:

As a precautionary measure in light of public health concerns with respect to Coronavirus CoVID-19, this Court orders that any party intending to appear before Department 16 for law and motion matters between now and April 30, 2020 do so by Court-approved telephonic means only. As a result, your matter scheduled Tuesday, March 18, 2020 in this case will be held telephonically via CourtCall. You are hereby requested to make arrangements with CourtCall if you intend to participate that day. Please refer to Department 16's guidelines with regard to CourtCall scheduling: "Department 16 utilizes CourtCall for telephonic appearances. Please contact CourtCall for approved appearances and to schedule. They can be reached toll-free at 1-888-882-6878 and/or on-line at www.courtcall.com no later than one judicial day preceding your hearing date. Please note, all witnesses appearing telephonically must have ... court-approved notary and/or official present on their end to swear them in." If you have questions or concerns with respect to your matter and this interim telephonic requirement, please contact JEA Lynn Berkheimer. CLERK'S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile.;

03/18/2020

Motion (10:30 AM) (Judicial Officer: Williams, Timothy C.)

Defendant News+Media Capital Group LLC's And Defendant/Counterclaimant Las Vegas Review-Journal, Inc.'s Motion To Approve Alternate Security And Stay Execution On Judgment Pending Appeal On Order Shortening Time

04/08/2020

Motion for Leave (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Defendant News+Media Capital Group LLC's And Defendant/Counterclaimant Las Vegas Review-Journal, Inc.'s Motion For Leave To File Under Seal (Exhibits 9-10 To Reply In Support Of Motion To Seal All Materials Generated In The Private Arbitration)

04/09/2020

Status Check (3:00 AM) (Judicial Officer: Williams, Timothy C.)

Internal Status Check: Receipt of Supplemental Briefs on Sealing and Modification Issue; UA thereafter

04/15/2020

Decision (3:00 AM) (Judicial Officer: Williams, Timothy C.)

Chambers Decision: Sealing and Modification Issue

04/23/2020

CANCELED Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Williams, Timothy C.)

Vacated

05/06/2020

CANCELED Status Check: Trial Readiness (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Vacated

05/11/2020

CANCELED Jury Trial (9:30 AM) (Judicial Officer: Williams, Timothy C.)

Vacated

05/28/2020

CANCELED Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Williams, Timothy C.)

Vacated

06/15/2020

CANCELED Jury Trial (9:30 AM) (Judicial Officer: Williams, Timothy C.)

Vacated

DATE

FINANCIAL INFORMATION

Counter Claimant Las Vegas Review-Journal Inc

Total Charges

220.00

Total Payments and Credits

220.00

Balance Due as of 3/17/2020

0.00

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-772591-B

Defendant News+Media Capital Group LLC

Total Charges

2,033.00

Total Payments and Credits

2,033.00

Balance Due as of 3/17/2020

0.00

Counter Defendant Las Vegas Sun Inc

Total Charges

2,117.50

Total Payments and Credits

2,117.50

Balance Due as of 3/17/2020

0.00

Defendant News+Media Capital Group LLC

Appeal Bond Balance as of 3/17/2020

500.00

Counter Defendant Las Vegas Sun Inc

Appeal Bond Balance as of 3/17/2020

500.00

BUSINESS COURT CIVIL COVER SHEET

Clark County, Nevada

A-18-772591-B

Case No. _____
(Assigned by Clerk's Office)

Department 13

I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone): Las Vegas Sun, Inc., a Nevada corporation	Defendant(s) (name/address/phone): News+Media Capital Group LLC & Las Vegas Review-Journal, Inc.
Attorney (name/address/phone): E. Leif Reid, Esq. Lewis Roca Rothgerber Christie LLP One East Liberty St., Ste. 300 Reno, NV 89501	Attorney (name/address/phone): _____ _____ _____ _____

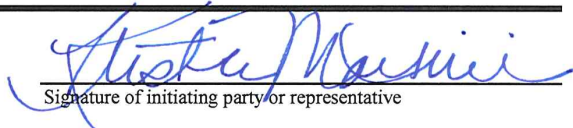
II. Nature of Controversy *(Please check the applicable boxes for both the civil case type and business court case type)*

☐ Arbitration Requested

Civil Case Filing Types		Business Court Filing Types
Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract Judicial Review/Appeal/Other Civil Filing Judicial Review <input type="checkbox"/> Foreclosure Mediation Case Appeal Other <input type="checkbox"/> Appeal from Lower Court	Torts Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort Civil Writs <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ Other Civil Filing <input type="checkbox"/> Foreign Judgment <input checked="" type="checkbox"/> Other Civil Matters	CLARK COUNTY BUSINESS COURT <input type="checkbox"/> NRS Chapters 78-89 <input type="checkbox"/> Commodities (NRS 91) <input type="checkbox"/> Securities (NRS 90) <input type="checkbox"/> Mergers (NRS 92A) <input type="checkbox"/> Uniform Commercial Code (NRS 104) <input type="checkbox"/> Purchase/Sale of Stock, Assets, or Real Estate <input type="checkbox"/> Trademark or Trade Name (NRS 600) <input type="checkbox"/> Enhanced Case Management <input checked="" type="checkbox"/> Other Business Court Matters WASHOE COUNTY BUSINESS COURT <input type="checkbox"/> NRS Chapters 78-88 <input type="checkbox"/> Commodities (NRS 91) <input type="checkbox"/> Securities (NRS 90) <input type="checkbox"/> Investments (NRS 104 Art.8) <input type="checkbox"/> Deceptive Trade Practices (NRS 598) <input type="checkbox"/> Trademark/Trade Name (NRS 600) <input type="checkbox"/> Trade Secrets (NRS 600A) <input type="checkbox"/> Enhanced Case Management <input type="checkbox"/> Other Business Court Matters

April 9, 2018

Date


 Signature of initiating party or representative

Steven D. Grierson

One East Liberty Street, Suite 300
Reno, NV 89501-2128

Lewis Roca
ROTHGERBER CHRISTIE

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22 *Attorneys for Plaintiff/Counter-Defendant*

23 **DISTRICT COURT**

24 **CLARK COUNTY, NEVADA**

25 LAS VEGAS SUN, INC., a Nevada
26 corporation,
27 Plaintiff,

28 vs.

NEWS+MEDIA CAPITAL GROUP LLC, a
Delaware limited liability company; and LAS
VEGAS REVIEW-JOURNAL, INC., a
Delaware limited liability company;

Defendants.

LAS VEGAS REVIEW-JOURNAL, INC., a
Delaware corporation,
Counterclaimant,

vs.

LAS VEGAS SUN, INC., a Nevada
corporation,
Counter-Defendant.

CASE NO.: A-18-772591-B

DEPT.: 16

JUDGMENT

110376113.1

FEB 06 2020

1 Plaintiff Las Vegas Sun, Inc.'s Motion to Confirm Arbitration Award, in Part, and to Vacate
2 or Alternatively, Modify or Correct the Award, in Part; Defendants News+Media Capital Group
3 LLC's and Las Vegas Review-Journal, Inc.'s Motion to Vacate the Arbitration Award; and
4 Defendants News+Media Capital Group, LLC's and Las Vegas Review-Journal, Inc.'s Conditional
5 Countermotion to Confirm Arbitration Award, in Part and to Vacate the Award, in Part, came on
6 for hearing before the Court, the Honorable Timothy C. Williams presiding, and good cause
7 appearing, **the Court finds as follows:**

8 On January 28, 2020, this Court entered its Findings of Facts, Conclusions of Law, and
9 Order Affirming the Arbitration Award, which, *inter alia*, confirmed the arbitrator's award of
10 \$1,662,720 in damages on Plaintiff Las Vegas Sun, Inc.'s Third Claim for Relief (Breach of
11 Contract—Editorial Costs: Section 4.2 and Related Provisions), and \$261,459.94 of simple interest
12 on this damages award through January 28, 2020, against Defendants News+Media Capital Group
13 LLC's and Las Vegas Review-Journal, Inc.

14 On January 28, 2020, this Court entered its Findings of Facts, Conclusions of Law, and
15 Order Affirming the Arbitration Award, which, *inter alia*, confirmed the arbitrator's award of
16 \$40,666.38 in fees and costs of arbitration to Plaintiff Las Vegas Sun, Inc., against Defendants
17 News+Media Capital Group LLC's and Las Vegas Review Journal, Inc.

18 **IT IS HEREBY ORDERED AND ADJUDGED** that judgment, pursuant to NRS
19 38.243(1), is entered in favor of Las Vegas Sun, Inc., in the amount of \$1,924,179.94, with post-
20 judgment interest of \$250.54 per day accruing thereon from January 28, 2020, until paid in full.

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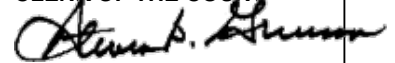
DATED this 10 day of Feb, 2020.

Submitted by:

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NICOLE SCOTT, Bar No. 13757
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Attorneys for Plaintiff/Counter-Defendant



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23 *Attorneys for Plaintiff*

24 DISTRICT COURT
25 CLARK COUNTY, NEVADA

26 LAS VEGAS SUN, INC., a Nevada
27 corporation,

28 Plaintiff,

v.

NEWS+MEDIA CAPITAL GROUP LLC, a
Delaware limited liability company; and LAS
VEGAS REVIEW-JOURNAL, INC., a
Delaware limited liability company;

Defendants.

CASE NO.: A-18-772591-B

DEPT.: 16

NOTICE OF ENTRY OF JUDGMENT

///

110467268.1

One East Liberty Street, Suite 300
Reno, NV 89501-2128

Lewis Roca
ROTHGERBER CHRISTIE

1 PLEASE TAKE NOTICE that a “Judgment” was entered on February 18, 2020. A copy of
2 the Judgment is attached hereto.

3 DATED this 18th day of February, 2020.

4 By: /s/ Kristen L. Martini

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20 **Lewis Roca**
21 ROTHGERBER CHRISTIE

CERTIFICATE OF SERVICE

Pursuant to Nevada Rule of Civil Procedure 5(b), I certify that I am an employee of LEWIS ROCA ROTHGERBER CHRISTIE LLP, and that on this date, I caused the foregoing **NOTICE OF ENTRY OF JUDGMENT** to be served by electronically filing the foregoing with the Odyssey electronic filing system, which will send notice of electronic filing to the following:

Richard J. Stone	J. Randall Jones, Esq., SBN 1927
David R. Singer	Michael J. Gayan, Esq., SBN 11135
Amy M. Gallegos	Monah Kaveh, Esq., SBN 11825
JENNER & BLOCK LLP	KEMP, JONES & COULTHARD, LLP
633 West 5 th Street, Suite 3600	3880 Howard Hughes Parkway, 17 th Floor
Los Angeles, California 90071	Las Vegas, Nevada 89169

DATED this 18th day of February, 2020.

/s/ Autumn D. McDannald
Employee of Lewis Roca Rothgerber Christie LLP

Steven D. Grierson

One East Liberty Street, Suite 300
Reno, NV 89501-2128

Lewis Roca
ROTHGERBER CHRISTIE

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22 *Attorneys for Plaintiff/Counter-Defendant*

23 **DISTRICT COURT**

24 **CLARK COUNTY, NEVADA**

25 LAS VEGAS SUN, INC., a Nevada
26 corporation,
27 Plaintiff,

28 vs.

NEWS+MEDIA CAPITAL GROUP LLC, a
Delaware limited liability company; and LAS
VEGAS REVIEW-JOURNAL, INC., a
Delaware limited liability company;

Defendants.

LAS VEGAS REVIEW-JOURNAL, INC., a
Delaware corporation,
Counterclaimant,

vs.

LAS VEGAS SUN, INC., a Nevada
corporation,
Counter-Defendant.

CASE NO.: A-18-772591-B

DEPT.: 16

JUDGMENT

110376113.1

FEB 06 2020

1 Plaintiff Las Vegas Sun, Inc.'s Motion to Confirm Arbitration Award, in Part, and to Vacate
2 or Alternatively, Modify or Correct the Award, in Part; Defendants News+Media Capital Group
3 LLC's and Las Vegas Review-Journal, Inc.'s Motion to Vacate the Arbitration Award; and
4 Defendants News+Media Capital Group, LLC's and Las Vegas Review-Journal, Inc.'s Conditional
5 Countermotion to Confirm Arbitration Award, in Part and to Vacate the Award, in Part, came on
6 for hearing before the Court, the Honorable Timothy C. Williams presiding, and good cause
7 appearing, **the Court finds as follows:**

8 On January 28, 2020, this Court entered its Findings of Facts, Conclusions of Law, and
9 Order Affirming the Arbitration Award, which, *inter alia*, confirmed the arbitrator's award of
10 \$1,662,720 in damages on Plaintiff Las Vegas Sun, Inc.'s Third Claim for Relief (Breach of
11 Contract—Editorial Costs: Section 4.2 and Related Provisions), and \$261,459.94 of simple interest
12 on this damages award through January 28, 2020, against Defendants News+Media Capital Group
13 LLC's and Las Vegas Review-Journal, Inc.

14 On January 28, 2020, this Court entered its Findings of Facts, Conclusions of Law, and
15 Order Affirming the Arbitration Award, which, *inter alia*, confirmed the arbitrator's award of
16 \$40,666.38 in fees and costs of arbitration to Plaintiff Las Vegas Sun, Inc., against Defendants
17 News+Media Capital Group LLC's and Las Vegas Review Journal, Inc.

18 **IT IS HEREBY ORDERED AND ADJUDGED** that judgment, pursuant to NRS
19 38.243(1), is entered in favor of Las Vegas Sun, Inc., in the amount of \$1,924,179.94, with post-
20 judgment interest of \$250.54 per day accruing thereon from January 28, 2020, until paid in full.

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110376113.1

1 **IT IS HEREBY FURTHER ORDERED AND ADJUDGED** that judgment, pursuant to
2 NRS 38.243(1), is entered in favor of Las Vegas Sun, Inc., in the amount of \$40,666.38, with post-
3 judgment interest accruing thereon from January 28, 2020, until paid in full, as contemplated by
4 NRS 17.130(2).

5 DATED this 10 day of Feb, 2020.

6
7 
8 DISTRICT COURT JUDGE 

9 Submitted by:

10 /s/ Kristen L. Martini
11 E. LEIF REID, Bar No. 5750
12 KRISTEN L. MARTINI, Bar No. 11272
13 NICOLE SCOTT, Bar No. 13757
14 LEWIS ROCA ROTHGERBER CHRISTIE LLP
15 One East Liberty Street, Suite 300
16 Reno, Nevada 89501

17 JAMES J. PISANELLI, Bar No. 4027
18 TODD L. BICE, Bar No. 4534
19 JORDAN T. SMITH, Bar No. 12097
20 PISANELLI BICE PLLC
21 400 South 7th Street, Suite 300
22 Las Vegas, Nevada 89101

23 *Attorneys for Plaintiff/Counter-Defendant*
24
25
26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

August 22, 2018

A-18-772591-B Las Vegas Sun Inc, Plaintiff(s)
vs.
News+Media Capital Group LLC, Defendant(s)

August 22, 2018

2:27 PM

Minute Order

**Minute Order:
Recusal**

HEARD BY: Denton, Mark R.

COURTROOM: Chambers

COURT CLERK: April Watkins

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- GIVEN the Court s previous professional relationship with one of the parties and its previous professional and long-time personal friendship with principals of the same, and to avoid the appearance of impropriety, the Court RECUSES from further involvement in this case and directs that it be reassigned to another Business Court Department. CANON 2, Rule 2.11, Commentary [1].

IT IS SO ORDERED.

CLERK S NOTE: This Minute Order was electronically served by Courtroom Clerk, April Watkins, to all registered parties for Odyssey File & serve. aw

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

October 24, 2018

A-18-772591-B Las Vegas Sun Inc, Plaintiff(s)
vs.
News+Media Capital Group LLC, Defendant(s)

October 24, 2018 9:00 AM All Pending Motions

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Dana J. Tavaglione

PARTIES

PRESENT: Martini, Kristen L. Attorney
 Pocker, Richard J. Attorney
 Reid, Leif Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Robert Cauthorn, representative of Las Vegas Sun, present.

DEFENDANTS' MOTION TO DISMISS...PLAINTIFFS' MOTION TO COMPEL ARBITRATION

Arguments by counsel on Motions. Court stated ITS FINDINGS and ORDERED, Motion to Dismiss DENIED; Motion to Compel GRANTED. Pltf. to prepare order and circulate to counsel.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

December 04, 2018

A-18-772591-B Las Vegas Sun Inc, Plaintiff(s)
vs.
News+Media Capital Group LLC, Defendant(s)

December 04, 2018 9:00 AM Motion

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT: Martini, Kristen L. Attorney
 Pocker, Richard J. Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Robert Cauthorn, representative of Las Vegas Sun, present.

Matter of Motion to Extend Deadline for the Filing of Defendants Response to Plaintiffs Motion for Partial Summary Judgment and to Vacate and Reschedule Hearing on Order Shortening Time (First Request).

Arguments by counsel. Colloquy regarding possible continuance of all pending matters and scheduling briefing. COURT ORDERED, Motion GRANTED; Response to Motion for Partial Summary Judgment DUE 12/10/18; Reply thereto DUE 12/17/18 by 12:00 p.m. COURT FURTHER ORDERED, following matters CONTINUED: Pltf's Motion for Partial Summary Judgment and Defts' Motion for Reconsideration on Order Shortening Time.

CONTINUED TO: 12/19/18 1:15 P.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

December 19, 2018

A-18-772591-B Las Vegas Sun Inc, Plaintiff(s)
vs.
News+Media Capital Group LLC, Defendant(s)

December 19, 2018 1:15 PM All Pending Motions

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Martini, Kristen L.	Attorney
	Pocker, Richard J.	Attorney
	Reid, Leif	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Nicole Scott, Esq. present for Pltf. Las Vegas Sun. Representatives of Las Vegas Sun present: Brian Greenspun, Myra Greenspun, and Robert Cauthorn, present.

DEFENDANTS' MOTION FOR RECONSIDERATION OF COURT'S ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL ARBITRATION AND DENYING DEFENDANTS' MOTION TO DISMISS, AND REQUEST FOR STAY ON ORDER SHORTENING TIME
Arguments by counsel. COURT ORDERED, Motion DENIED; Ms. Martini to prepare detailed amended order within a week.

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT FOR DECLARATORY RELIEF AND BREACH OF CONTRACT/SPECIFIC PERFORMANCE
Arguments by counsel. Court advised decision forthcoming within a week.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

February 04, 2019

A-18-772591-B	Las Vegas Sun Inc, Plaintiff(s) vs. News+Media Capital Group LLC, Defendant(s)
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February 04, 2019 8:13 AM Minute Order

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- After a review and consideration of the points and authorities on file herein, and the argument of counsel, the Court determined as follows:

The Court has reviewed the issues raised by Plaintiff, Las Vegas, Sun, Inc. (LVS) in its Motion for Partial Summary Judgment for Declaratory Relief and Breach of Contract/Specific Performance (First and Fourth Claims for Relief).

It is clear that the Joint Operating Agreement (JOA) is binding and controls the contractual relationship as to LVS and the News+Media Capital Group, LLC. (News-Media). However, issues as to whether there is a material breach of Section 5.1 and Appendices A and B of the JOA by Defendant, News-Media are questions of fact and not the proper basis to support granting summary judgment at this time. Additionally, the remedy of specific performance is only available as an alternative claim to monetary damage where the remedy at law is inadequate. It is premature at this time to reach such a conclusion. Ultimately, the Court anticipates that all issues of compliance and/or breach of Section 5.1 and Appendices A and B of the JOA will require expert testimony to assist the trier of fact in reaching their decision in this matter.

Based on the foregoing, Plaintiff LVS s Motion for Partial Summary Judgment for Declaratory Relief

PRINT DATE: 03/17/2020

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Minutes Date: August 22, 2018

and Breach of Contract for Specific Performance (First and Fourth Claims for Relief) shall be DENIED.

Counsel for News-Media shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature.

CLERK S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

April 03, 2019

A-18-772591-B Las Vegas Sun Inc, Plaintiff(s)
vs.
News+Media Capital Group LLC, Defendant(s)

**April 03, 2019 9:15 AM Mandatory Rule 16
Conference**

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES

PRESENT: Levin, Akke Attorney
 Martini, Kristen L. Attorney

JOURNAL ENTRIES

- Matter of Mandatory Discovery Conference. Ms. Martini advised related arbitration begins 4/15/19 and concludes 4/26/19. Colloquy regarding impact of the arbitration as to discovery proceeding in this case and claims anticipated for trial. Court stated 2 weeks to be set aside for trial. As to witnesses, Ms. Martini advised 13 total which accounts for 3 duplicates. Ms. Levin advised a confidentiality and protective order and ESI to be negotiated. There being agreement, COURT ORDERED, Trial dates SET; Close of Discovery SET 9/27/19. Department to issue scheduling order.

1/9/20 10:30 AM PRETRIAL/CALENDAR CALL

1/27/20 9:30 AM BENCH TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

August 21, 2019

A-18-772591-B Las Vegas Sun Inc, Plaintiff(s)
vs.
News+Media Capital Group LLC, Defendant(s)

August 21, 2019	9:00 AM	Motion for Protective Order	See 9/4/19 Minute Order
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HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDED:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Jones, Jon Randall	Attorney
	Levin, Akke	Attorney
	Martini, Kristen L.	Attorney
	Scott, Nicole	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Benjamin Lipman, Esq. also present as General Counsel for Las Vegas Review-Journal.

Matter of Review-Journal's Motion for Protective Order and Objections Under NRCP 45. Mr. Jones argued for opportunity for review and privilege log, and for expansive view as to a representative. Ms. Martini proposed monthly case management conferences and argued burden not met as to whether fact witness at issue covered. Court stated decision to issue next week by way of Minute Order. Colloquy regarding proposed monthly conferences. Court stated if efforts to resolve issue discussed are unsuccessful, Court will entertain motion on order shortening time from Ms. Martini.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

September 04, 2019

A-18-772591-B Las Vegas Sun Inc, Plaintiff(s)
vs.
News+Media Capital Group LLC, Defendant(s)

September 04, 2019 12:12 AM Minute Order

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- After review and consideration of the arguments of counsel and the moving papers on file herein, the Court determined as follows:

Upon reflection, the Court has considered Defendant News+Media Capital Group, LLC and Las Vegas Review Journal, Inc. s (Collectively the R.J.s) Motion for a Protective Order as it relates to Plaintiff Las Vegas Sun, Inc. s (LV Sun) Notice of Subpoena Duces Tecum regarding the files of J. Ford Huffman. According to the declaration of Keith Moyer dated August 14, 2019, Mr. Huffman was retained to perform two functions. The first task was to assist R.J. employees and managers in the redesign of the newspaper, including the LV Sun insert portion of the newspaper. Mr. Huffman also consulted with and assisted the R.J. as a litigation consultant in responding to the LV Sun s Motion for Summary Judgment. The Court is well aware of positions asserted by the parties and would probably be required to conduct an evidentiary hearing to determine if Mr. Huffman s role in assisting the R.J. rose to the level of functional equivalent of an employee and thus subject to attorney client privilege. Additionally, Defendant R.J. alleges that Mr. Huffman was retained as a litigation consultant resulting in the application of the work product doctrine. Considering the totality of the arguments presented, without a more developed record, it is uncertain as to whether the functional equivalent doctrine applies at this time. However, it is patently apparent that Mr. Huffman has been retained by Defendant R.J. in the dual capacity to work on the newspaper redesign and as a litigation

consultant. As a result of Mr. Huffman's dual capacity, the Court will take a cautious approach to the production of documents in Mr. Huffman's possession. In order to prevent the inadvertent disclosure of privileged documents, the Court feels that in order to save time and expedite discovery in this matter and without the necessity of an evidentiary hearing, the Court shall require Mr. Huffman to supply all documents in his possession to Defendant R.J., who then shall be required to prepare a privilege log identifying all documents with particularity and assert the basis, if any, for privileged documents for the record. The privileged log shall be prepared and exchanged by counsel within ten days from entry of this Court's order. In addition, the Court shall set a status check on 10/16/2019 at 9:00AM to expedite the discovery and to address the applicability of any asserted privileges. Consequently, Defendant R.J.'s Motion for Protective Order shall be Granted in Part as to potential work product privileged based on work as a litigation consultant and Denied in Part as to the functional equivalent employer classifications.

Counsel for Defendant R.J. shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature.

CLERK'S NOTE: The above Minute Order has been corrected with regards to the status check date as was brought to the Court's attention. The initial 10/4/19 setting was a date on which the Court is unavailable; the correct status check date is 10/16/19 at 9:00 a.m. as reflected above. This Minute Order has been electronically served to the parties through Odyssey eFile. /cd 9-26-19/

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

September 25, 2019

A-18-772591-B Las Vegas Sun Inc, Plaintiff(s)
vs.
News+Media Capital Group LLC, Defendant(s)

September 25, 2019 9:00 AM Motion for Leave

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Gayan, Michael J	Attorney
	Jones, Jon Randall	Attorney
	Martini, Kristen L.	Attorney
	Pisanelli, James J	Attorney
	Reid, Leif	Attorney
	Scott, Nicole	Attorney
	Smith, Jordan T., ESQ	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Representatives of Pltf. present: Brian Greenspun, Myra Greenspun, and Amy Greenspun. Benjamin Lipman, Esq. present as General Counsel for Deft. Las Vegas Review-Journal. Attorney David Singer, Pro Hac pending, present for Defts.

Matter of Defendants News+Media Capital Group LLC and Las Vegas Review-Journal, Inc.'s Motion for Leave to Amend Answer and Assert Counterclaim on Order Shortening Time. Mr. Jones requested pending Motions to Associate Counsel David Singer, Amy Gallegos, and Richard Stone be granted. Mr. Reid advised no opposition to the Motions. COURT ORDERED, Motions to Associate Counsel GRANTED. Arguments by Mr. Jones and Mr. Pisanelli regarding Motion for Leave. COURT ORDERED, Motion for Leave GRANTED; no rights have been waived. Mr. Jones advised will prepare the order and circulate to counsel.

PRINT DATE: 03/17/2020

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Minutes Date: August 22, 2018

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

October 22, 2019

A-18-772591-B	Las Vegas Sun Inc, Plaintiff(s) vs. News+Media Capital Group LLC, Defendant(s)
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October 22, 2019 1:30 PM All Pending Motions

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Gayan, Michael J Jones, Jon Randall Martini, Kristen L. Pisanelli, James J Reid, Leif Scott, Nicole Smith, Jordan T., ESQ Stone, Richard L.	Attorney Attorney Attorney Attorney Attorney Attorney Attorney Attorney
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JOURNAL ENTRIES

- APPEARANCES CONTINUED: Benjamin Lipman, Esq. present as General Counsel for Deft. Las Vegas Review-Journal.

PLAINTIFF'S MOTION TO CONFIRM ARBITRATION AWARD, IN PART, AND TO VACATE OR, ALTERNATIVELY, MODIFY OR CORRECT THE AWARD, IN PART...DEFENDANTS' MOTION TO VACATE ARBITRATION AWARD

Argument by Mr. Reid. CONFERENCE AT BENCH. Arguments by Mr. Reid and Mr. Jones. Mr. Jones provided document for Court's review. Colloquy regarding scheduling other pending matters from today. As to the Arbitration Motions, Court stated will issue decision after review of issues regarding exceeding powers, common law, sufficient evidence, and manifest disregard. COURT

PRINT DATE: 03/17/2020

Page 12 of 36

Minutes Date: August 22, 2018

ORDERED, outstanding pending matters from today CONTINUED.

CONTINUED TO: 10/31/19 1:00 PM PLAINTIFF'S MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL AS TO MOTION TO CONFIRM ARBITRATION AWARD, IN PART, AND TO VACATE OR, ALTERNATIVELY, MODIFY OR CORRECT THE AWARD...DEFENDANTS' MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL AS TO MOTION TO VACATE...PLAINTIFF'S MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL AS TO OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER AND ASSERT COUNTERCLAIM...PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS...STATUS CHECK: EXPEDITED DISCOVERY AND APPLICABILITY OF ASSERTED PRIVILEGES

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

October 31, 2019

A-18-772591-B	Las Vegas Sun Inc, Plaintiff(s) vs. News+Media Capital Group LLC, Defendant(s)
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October 31, 2019 1:00 PM All Pending Motions

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Jones, Jon Randall	Attorney
	Kaveh, Mona	Attorney
	Martini, Kristen L.	Attorney
	Pisanelli, James J	Attorney
	Reid, Leif	Attorney
	Smith, Jordan T., ESQ	Attorney

JOURNAL ENTRIES

- PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS

Arguments by Ms. Martini and Mr. Jones. COURT ORDERED, Motion GRANTED; documents must be provided; no sanctions at this time in light of third-party issues. Colloquy regarding a status check as to outstanding issues and electronically stored information ("ESI"). COURT FURTHER ORDERED, Status Check regarding same SET for time of 11/6/19 matters hearing.

PLAINTIFF'S MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL AS TO MOTION TO CONFIRM ARBITRATION AWARD, IN PART, AND TO VACATE OR, ALTERNATIVELY, MODIFY OR CORRECT THE AWARD...PLAINTIFF'S MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL AS TO OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER AND ASSERT COUNTERCLAIM...DEFENDANTS' MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL

Arguments by Mr. Smith and Mr. Jones. Discussion regarding an appendix with tabs for submission

PRINT DATE: 03/17/2020

Page 14 of 36

Minutes Date: August 22, 2018

of the Motions. Court directed the supplement delivered by Monday next week for a decision.

STATUS CHECK: EXPEDITED DISCOVERY AND APPLICABILITY OF ASSERTED PRIVILEGES
Court noted matter previously addressed.

11/4/19 3:00 AM (CHAMBERS) STATUS CHECK: SUPPLEMENT TO MOTIONS FOR LEAVE TO
FILE DOCUMENTS UNDER SEAL

11/6/19 9:00 AM STATUS CHECK: OUTSTANDING DISCOVERY AND ESI

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

November 06, 2019

A-18-772591-B Las Vegas Sun Inc, Plaintiff(s)
vs.
News+Media Capital Group LLC, Defendant(s)

November 06, 2019 9:00 AM All Pending Motions

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Gayan, Michael J	Attorney
	Jones, Jon Randall	Attorney
	Kaveh, Mona	Attorney
	Martini, Kristen L.	Attorney
	Reid, Leif	Attorney
	Scott, Nicole	Attorney
	Smith, Jordan T., ESQ	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Robert Cauthorn, COO of Las Vegas Sun, also present.

DEFENDANTS MOTION TO SEAL OPPOSITION AND EXHIBITS A-K...MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL [THE SUN'S OPPOSITION AND EXHIBITS TO DEFENDANTS' MOTION TO VACATE ARBITRATION AWARD]

Arguments by Mr. Smith and Mr. Jones. Court stated will review matters and issue detailed minute order shortly. Court further stated records at issue remain in their current state until time of the order. Colloquy regarding supplementation provided today by counsel as relates to forthcoming decision on sealing Motions. Court stated it sought documents Arbitrator was relying upon, namely, the joint operating agreements. Court also stated no preclusion from supplementing the matter further. Mr. Gayan advised will provide a supplement by tomorrow or Friday.

PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT...DEFENDANTS' (1) LIMITED OPPOSITION TO PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT AND (2) COUNTERMOTION TO CONTINUE TRIAL

Arguments by Mr. Reid and Mr. Jones. COURT ORDERED, Motion for Leave to Amend Complaint GRANTED. Prevailing party to prepare the order. Discussion and argument by counsel regarding Countermotion to Continue Trial in light of two new claims. As to the Countermotion, COURT FURTHER ORDERED, case schedule as follows: Initial Experts 1/20/20; Rebuttal Experts 2/19/20; Close of Discovery 4/20/20; Dispositive Motions 5/18/20; Trial 6/15/20. Department to issue amended trial order.

STATUS CHECK: OUTSTANDING DISCOVERY AND ESI...DEFENDANTS NEWS+MEDIA CAPITAL GROUP LLC AND LAS VEGAS REVIEW JOURNAL, INC'S OPPOSITION TO PLAINTIFF'S MOTION TO CONFIRM ARBITRATION AWARD, IN PART, AND TO VACATE OR ALTERNATIVELY, MODIFY OR CORRECT THE AWARD, IN PART, AND CONDITIONAL COUNTERMOTION TO CONFIRM ARBITRATION AWARD, IN PART, AND TO VACATE THE AWARD, IN PART

Colloquy regarding rescheduling remaining matters from today as well as 11/13/19 matters. COURT ORDERED, today's pending matters CONTINUED to 11/12/19 afternoon; 11/13/19 matters RESET to same 11/12/19 session.

CONTINUED TO: 11/12/19 1:15 PM STATUS CHECK: OUTSTANDING DISCOVERY AND ESI...DEFENDANTS NEWS+MEDIA CAPITAL GROUP LLC AND LAS VEGAS REVIEW JOURNAL, INC'S OPPOSITION TO PLAINTIFF'S MOTION TO CONFIRM ARBITRATION AWARD, IN PART, AND TO VACATE OR ALTERNATIVELY, MODIFY OR CORRECT THE AWARD, IN PART, AND CONDITIONAL COUNTERMOTION TO CONFIRM ARBITRATION AWARD, IN PART, AND TO VACATE THE AWARD, IN PART

11/12/19 1:15 PM DEFENDANTS' MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL...MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL [EXHIBITS 3-6 TO REPLY TO OPPOSITION TO PLAINTIFF'S MOTION TO CONFIRM ARBITRATION AWARD, IN PART, AND TO VACATE OR, ALTERNATIVELY, MODIFY OR CORRECT THE AWARD, IN PART, AND REFERENCES THERETO]

5/28/20 10:30 AM PRETRIAL/CALENDAR CALL

6/15/20 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

November 12, 2019

A-18-772591-B Las Vegas Sun Inc, Plaintiff(s)
vs.
News+Media Capital Group LLC, Defendant(s)

November 12, 2019 1:15 PM All Pending Motions

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Dana J. Tavaglione

PARTIES

PRESENT:	Gayan, Michael J	Attorney
	Jones, Jon Randall	Attorney
	Pisanelli, James J	Attorney
	Reid, Leif	Attorney
	Scott, Nicole	Attorney
	Smith, Jordan T., ESQ	Attorney

JOURNAL ENTRIES

- MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL [EXHIBITS 3-6 TO REPLY TO OPPOSITION TO PLAINTIFF'S MOTION TO CONFIRM ARBITRATION AWARD, IN PART, AND TO VACATE OR, ALTERNATIVELY, MODIFY OR CORRECT THE AWARD, IN PART, AND REFERENCES THERETO]...DEFENDANTS' MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL

Matters submitted. Court stated will decide all seal issues together and notify counsel if assistance needed.

DEFENDANTS NEWS+MEDIA CAPITAL GROUP LLC AND LAS VEGAS REVIEW JOURNAL, INC'S OPPOSITION TO PLAINTIFF'S MOTION TO CONFIRM ARBITRATION AWARD, IN PART, AND TO VACATE OR ALTERNATIVELY, MODIFY OR CORRECT THE AWARD, IN PART, AND CONDITIONAL COUNTERMOTION TO CONFIRM ARBITRATION AWARD, IN PART, AND TO VACATE THE AWARD, IN PART

Mr. Gayan presented binder of materials for Court's review. Court noted receipt of materials needed for decision on the confirmation or vacate matter; decision anticipated before Thanksgiving Holiday.

STATUS CHECK: OUTSTANDING DISCOVERY AND ESI

Mr. Reid advised Ms. Martini unable to attend due to health issue. Mr. Gayan reviewed history of issues with vendor, the rational review, and custodians. Upon inquiry by Mr. Reid as to prior production compelled, Mr. Gayan advised will provide within two (2) weeks and earlier if possible. Court so noted. Discussion and arguments by counsel regarding custodians, search terms with respect to those involved in redesign, and second set of outstanding discovery. Mr. Jones presented documents for Court's review. Mr. Jones advised will perform search as discussed. Colloquy regarding special setting for results of ESI search and related issues as well as the Motion to Dismiss previously set 11/20. COURT ORDERED, Motion to Dismiss REST from 11/20/19 9:30 a.m. to 10:00 a.m.; Status Check SET 11/20/19 at 10:00 a.m. as to the ESI search, custodian issues, and second set of outstanding discovery. Mr. Reid advised will prepare order from today's hearing.

11/20/19 10:00 AM STATUS CHECK: RESULTS OF ESI SEARCH/CUSTODIAN ISSUES/SECOND SET OF OUTSTANDING DISCOVERY

CONTINUED TO: 11/20/19 10:00 AM MOTION TO DISMISS COUNTERCLAIMS OR, ALTERNATIVELY, TO STAY COUNTERCLAIMS PENDING FEDERAL COURT ACTION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

November 20, 2019

A-18-772591-B Las Vegas Sun Inc, Plaintiff(s)
vs.
News+Media Capital Group LLC, Defendant(s)

November 20, 2019 10:00 AM All Pending Motions

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:

Gayan, Michael J	Attorney
Jones, Jon Randall	Attorney
Pisanelli, James J	Attorney
Reid, Leif	Attorney
Scott, Nicole	Attorney
Smith, Jordan T., ESQ	Attorney
Stone, Richard L.	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Benjamin Lipman, Esq. present as General Counsel for Deft. Las Vegas Review Journal.

MOTION TO DISMISS COUNTERCLAIMS OR, ALTERNATIVELY, TO STAY COUNTERCLAIMS
PENDING FEDERAL COURT ACTION...STATUS CHECK: RESULTS OF ESI
SEARCH/CUSTODIAN ISSUES/SECOND SET OF OUTSTANDING DISCOVERY

Arguments by Mr. Pisanelli and Mr. Jones regarding the Motion. COURT ORDERED, as to Motion to Dismiss Counterclaims, claims have merit until final adjudication; as to alternative Motion to Stay, matter stayed; will reserve ruling on subject matter jurisdiction and defer to pending resolution of action in Federal Court; Status Check SET in ninety (90) days regarding stay as to federal action. Colloquy regarding stay of entire case in light of anticipated issues with discovery. Court stated

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Minutes Date: August 22, 2018

counsel may file appropriate motion for stay on order shortening time with setting not less than ten (10) days for response. Court directed Mr. Pisanell prepare today's Motion order and circulate to counsel. As to today's Status Check, Mr. Reid advised the production outstanding of six months is promised next week. Court stated today's stay is not for purpose of the production. Mr. Gayan reviewed extensive search results, advised parties have agreed on certain terms and anticipates parties will meet and confer on issues. There being agreement, COURT ORDERED, Status Check matter CONTINUED to 12/4/19.

CONTINUED TO: 12/4/19 9:00 AM STATUS CHECK: RESULTS OF ESI SEARCH/CUSTODIAN ISSUES/SECOND SET OF OUTSTANDING DISCOVERY

2/19/20 9:00 AM STATUS CHECK: STAY FOR FEDERAL ACTION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

November 27, 2019

A-18-772591-B Las Vegas Sun Inc, Plaintiff(s)
vs.
News+Media Capital Group LLC, Defendant(s)

November 27, 2019 9:42 AM Minute Order

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- At the prior hearing in the instant matter, the Court restated its intention to publish a decision by a minute order on Defendants , New+MEDIA Capital Group LLC; Las Vegas Review Journal, Inc. (The RJ), Motion to Vacate the Arbitration Award, and the Plaintiff s, Las Vegas Sun, Inc., Countermotion to Confirm the Arbitration Award, in Part and to Vacate the Award in Part before November 28, 2019. The Court has reviewed the parties submissions and has finalized its decision and minute order. However, in light of the recent filing by the RJ seeking to stay all aspects of this case, the Court believes out of fairness it cannot publish its decision until after a hearing on the merits of the RJ s Motion to Stay is held.

CLERK'S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

December 04, 2019

A-18-772591-B Las Vegas Sun Inc, Plaintiff(s)
vs.
News+Media Capital Group LLC, Defendant(s)

December 04, 2019 9:30 AM All Pending Motions

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Gayan, Michael J	Attorney
	Jones, Jon Randall	Attorney
	Martini, Kristen L.	Attorney
	Pisanelli, James J	Attorney
	Reid, Leif	Attorney
	Singer, David R.	Attorney
	Smith, Jordan T., ESQ	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Robert Cauthorn, COO for Pltf. Las Vegas Sun, present. Representatives of Pltf. present: Brian Greenspun and Myra Greenspun. Benjamin Lipman, Esq. present as General Counsel for Deft. Las Vegas Review-Journal. Representative of Deft. Las Vegas Review-Journal, Keith Moyer, present.

EWS+MEDIA CAPITAL GROUP LLC AND LAS VEGAS REVIEW-JOURNAL, INC.'S EMERGENCY MOTION TO STAY CASE AND POSTPONE ACTION ON ARBITRATION-RELATED MOTIONS ON ORDER SHORTENING TIME...LAS VEGAS SUN, INC.'S OPPOSITION TO NEWS+MEDIA CAPITAL GROUP LLC AND LAS VEGAS REVIEW-JOURNAL, INC.'S EMERGENCY MOTION TO STAY CASE AND POSTPONE ACTION ON ARBITRATION-RELATED MOTIONS ON ORDER SHORTENING TIME AND COUNTERMOTION TO STAY DEFENDANTS' TENTH, TWENTY-SIXTH AND TWENTY-SEVENTH AFFIRMATIVE DEFENSES (REDACTED)...STATUS CHECK:

PRINT DATE: 03/17/2020

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Minutes Date: August 22, 2018

DECISION ON MOTION TO CONFIRM ARBITRATION AWARD; MOTION TO VACATE
ARBITRATION AWARD...STATUS CHECK: RESULTS OF ESI SEARCH/CUSTODIAN
ISSUES/SECOND SET OF OUTSTANDING DISCOVERY

Arguments by Mr. Jones and Mr. Pisanelli. COURT ORDERED, Motion GRANTED IN PART and DENIED IN PART; DENIED as to issue with respect to decision on arbitration; will stay all other case matters. Prevailing party to submit the order. Court stated a minute order is anticipated today as to arbitration confirmation or vacation. Further stated will issue decision without prejudice as to sealing motions, maintaining status quo, subject to future briefing as discussed.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

December 04, 2019

A-18-772591-B Las Vegas Sun Inc, Plaintiff(s)
vs.
News+Media Capital Group LLC, Defendant(s)

December 04, 2019 5:11 PM Minute Order

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- After a review and consideration of the points and authorities on file herein, the Court determined as follows:

First, the Court will address collectively Defendant News + Media Capital Group, LLC s and the Review Journal s (Review Journal) Motion to Vacate the Arbitration Award, and then Plaintiff Las Vegas Sun, Inc. s (LV Sun) Motion to confirm the Arbitration Award, in Part and to Vacate or, Alternatively, Modify or Correct the Award in Part.

The first issue raised by the Review Journal as the basis to vacate the Arbitrator s Award, focused on whether the Arbitrator disregarded the plain language of the Joint Operating Agreement (JOA) by failing to subtract editorial expenses from revenues in order to calculate EBITDA (earnings before interest, taxes, depreciation, and amortization) for the purposes of determining the LV Sun s share of profits under the JOA.

Under Nevada Law, [t]he party seeking to attack the validity of an arbitration award has the burden of proving, by clear and convincing evidence, the statutory or common-law ground relied upon for challenging the award. Washoe Cty. Sch. Dist. v. White, 133 Nev. 301, 303, 396 P.3d 834, 838 (2017) quoting Health Plan of Nev., Inc. v. Rainbow Med., LLC, 120 Nev. 689, 695, 100 P.3d 172, 176 (2004).

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Additionally, [t]here are two common-law grounds recognized in Nevada under which a court may review private binding arbitration award: (1) whether the award is arbitrary, capricious, or unsupported by the agreement; and (2) whether the arbitrator manifestly disregarded the law. *Id.* at 306. The Nevada Supreme Court explained the distinction between the two as: the former standard ensures that the arbitrator does not disregard the facts or the terms of the arbitration agreement, while the latter standard ensures that the arbitrator recognizes applicable law. *Id.*

Moreover, [j]udicial inquiry under the manifest-disregard-of-the-law standard is extremely limited. *Id.* When a party seeks to vacate an arbitration award based on manifest disregard of the law, they must show more than a mere objection to the results of the arbitration. *Id.* Consequently, the Court's focus is not on whether the Arbitrator correctly interpreted the law, but whether the arbitrator, knowing the law and recognizing that the law required a particular result, simply disregarded the law. *Id.*

In the instant action, the Arbitrator recognized the JOA's plain language, considered its EBITDA, and determined that under the JOA deductions should be calculated for editorial expenses. Thus, there appears to be, at a minimum, a colorable justification for the Arbitrator's findings on this issue. The Arbitrator concluded:

The term Retention was very similar to earnings before interest, taxes, depreciation and amortization (EBITDA). The prior (pre-2005) computation of Retention included Editorial Expenses of the RJ as allowable deductible expenses. On the other hand, a specific provision of the JOA (4.2), a provision which was new to the calculation in the 2005 JOA, specifically indicates that the RJ and Sun would each bear their own editorial costs meaning that the RJ would not, in keeping the books of the JOA, be permitted to deduct editorial expenses of the RJ in computing EBITDA of the JOA and the subsequent annual profits payments (if any) to the Sun. The weight of the evidence leads to the conclusion that the RJ has improperly deducted the RJ editorial expenses reducing the EBITDA of the JOA resulting in improperly low annual profits payments to the Sun.

Arbitrator's Decision at page 5.

Consequently, the Court finds that the Defendant Review Journal has failed to meet its burden by clear and convincing evidence that the Arbitrator manifestly disregarded the JOA's contract provisions as to the deduction of editorial expenses.

Next, the Arbitrator focused on Section 5.1.4 of the JOA to determine the impact of promotional activities and expense on the EBITDA. After he weighed the evidence, he concluded that under his interpretation of Section 5.1.4 there was evidence of impermissible deductions. The Arbitrator noted:

The weight of the evidence indicated that the RJ charged all promotional expenses to the JOA (both expenses that would be allowed as promotion of both the RJ and Sun in equal prominence and additional promotional activities expenses of the RJ only) resulting in lower EBITDA and payments

to the Sun. There was not enough evidence presented in this matter to make a definitive damages calculation of wrongfully charged additional promotional activities expenses by the RJ. A crucial element of a breach of contract action is the proof of damages beyond speculation. Fortunately, the audit awarded in this matter could determine the damages (and additional profits payments due), if any, from the RJ's charging of all (both proper and additional) promotional expenses to the JOA EBITDA. It is the finding of this tribunal that additional promotional activities may not be included in the expenses charged to the JOA EBITDA.

Arbitrator's Decision at page 6.

In light of the Arbitrator's analysis and reliance of Section 5.1.4 of the JOA, the Court finds that there is not clear and convincing evidence that the Arbitrator manifestly disregarded the JOA's contract provisions as to promotional activities and expenses.

Next, the Court reviews Defendant Review Journal's contentions that the Arbitrator exceeded his authority when he issued a two-page supplementary non-binding interpretation regarding the ordered audit.

In determining the grounds for invalidating an arbitration award based on the assertion that an Arbitrator exceeded his authority, in *Washoe*, the Nevada Supreme Court noted:

"The Nevada Arbitration Act provides specific grounds for invalidating an arbitration award. NRS 38.241(1)(d) dictates that a court shall vacate an arbitration award if the arbitrator exceeded his powers." *Health Plan of Nev., Inc.*, 120 Nev. at 697, 100 P.3d at 178 (internal citation omitted). In particular, "[a]rbitrators exceed their powers when they address issues or make awards outside the scope of the governing contract." *Id.* "However, allegations that an arbitrator misinterpreted the agreement or made factual or legal errors do not support vacating an award as being in excess of the arbitrator's powers." *Id.* Moreover, "[a]rbitrators do not exceed their powers if their interpretation of an agreement, even if erroneous, is rationally grounded in the agreement." *Id.* at 698, 100 P.3d at 178. As such, "[t]he question is whether the arbitrator had the authority under the agreement to decide an issue, not whether the issue was correctly decided." *Id.* Therefore, "[a]n award should be enforced so long as the arbitrator is arguably construing or applying the contract" and "there is a colorable justification for the outcome." *Id.* Nonetheless, "[t]he deference accorded an arbitrator . . . is not limitless; he is not free to contradict the express language of the contract." *Int'l Ass'n of Firefighters, Local 1285 v. City of Las Vegas*, 107 Nev. 906, 910, 823 P.2d 877, 879 (1991).

Washoe, 133 Nev. at 304.

It must be pointed out that Appendix D to the JOA provide that Plaintiff LV Sun has a right to a yearly audit as the Arbitrator noted:

Appendix D to the JOA allowing for the Claimant to appoint an certified public accounting firm or law firm as Sun's representative to examine and audit the books and records of the Review-Journal

and the other publications whose earnings are included in EBITDA for the purposes of verifying the determinations of the changes to the Annual Profit Payments (this provision has been referred to by both parties as audit). Respondent indicated that an audit has never been refused however the conduct of Respondent certainly has done just about everything possible to blunt, avoid, deter and postpone an audit. In accordance with the scope of this tribunal's authority, Claimant's request for an audit is granted. Claimant may undertake the audit for the periods covered by this award (December 15, 2015 through March 31, 2018) and forward per the declaratory relief granted. Respondent had requested that this award, if an audit be directed, limit the scope and/or party to conduct the audit. This award does not define the scope of the audit as part of the award as such specificity may be beyond the scope of the tribunal's authority. Arbitrator's Decision, page 6.

In review of the Arbitrator's decision, the Arbitrator ordered an audit but recognized there is no provision for the creation of audit rules or guidelines in the JOA. Additionally, the Arbitrator noted that neither party requested any of audit rules or guidelines. It is clear in review of the Arbitrator's decision he was well aware of the limits of his authority and simply suggested a non-binding legal evaluation and recommendation as to the guideline for an audit. Thus, a non-binding legal opinion is not a sufficient basis to vacate an arbitration decision.

Next, the Court has to consider whether the Arbitrator issued an Award that was arbitrary and capricious. Under Nevada law, a court's review of the arbitrary-and-capricious standard is limited to whether the arbitrator's findings are supported by substantial evidence in the record. *Washoe*, 133 Nev. at 308. Further, The arbitrary-and-capricious standard does not permit a reviewing court to vacate an arbitrator's award based on a misinterpretation of the law. *Id.*

As this Court has already found, the Arbitrator based his rulings on his interpretations of the JOA. Under the facts of this case and the JOA, there is substantial evidence to support the Arbitrator's Award.

Finally, although the Court has addressed the primary contested issues raised by Defendant Review Journal in its Motion to Vacate the Arbitration Award, the Court will briefly address the issues raised by the LV Sun.

After reviewing Section 5.1.4, the Arbitrator determined that House Ads were not additional promotional activities and expenses. The LV Sun argues that the Arbitrator's ruling is arbitrary and capricious and a manifest disregard of the law. Nonetheless, the Court finds that the Arbitrator did consider section 5.1.4 in relation to House Ads, and as a result the Court Affirms the Arbitrator's ruling.

Additionally, after weighing the evidence in this matter, the Arbitrator denied the LV Sun's tortious breach claims. The Court again reiterates that its inquiry under the manifest-disregard-of-the-law standard is extremely limited. Consequently, the Court will not reassess and weigh the evidence that the Arbitrator relied on to make his decision. It is clear to the Court that the Arbitrator understood

that there is a distinction between contract and tort claims, and the unique nature of the covenant of good faith and fair dealing as it relates to contracts vs. torts. Further, the Arbitrator noted the sections of the JOA that the tort claims potentially applied. Although it is not set forth in detail how the Arbitrator evaluated the party's unique relationship, it appears he determined there was insufficient evidence of intentional conduct on this issue, and therefore, he found that the party's conduct does not qualify for tortious breach. Consequently, the Court cannot find that the Arbitrator manifestly disregarded the law or the JOA or that the decision was arbitrary and capricious.

Also, the Arbitrator noted that both parties requested attorneys' fees, costs, and the cost of arbitration; but, found that no provision in the JOA addressed awarding attorney's fees and costs in connection with this matter. Rather, the Arbitrator interpreted Appendix D of the JOA and found that Appendix D addressed the award of arbitration fees and costs. As a consequence, the Arbitrator awarded only fees and costs of the arbitration. Thus, the Court finds that the Arbitrator did consider the entire JOA and more specifically Appendix D to support his ruling. Accordingly, the Court Affirms the Arbitrator's ruling on costs and fees.

Lastly, the LV Sun argues that the Arbitrator failed to enter a ruling on whether the Review Journal breached the JOA audit provision. However, the Arbitrator noted that while the Review Journal has done just about everything possible to blunt, avoid, deter and postpone an audit, yet he determined that the Review Journal has never refused to conduct an audit. Therefore, the Arbitrator simply ordered that an audit be conducted and this decision is affirmed.

As a result of the foregoing, the Review Journal's Motion to Vacate Arbitration Award shall be DENIED. The LV Sun's Motion to Confirm Arbitration Award, in Part, and to Vacate or, Alternatively, Modify or Correct the Award, in Part shall be GRANTED in Part and DENIED in Part. The LV Sun's motion is granted as to the request to confirm the Arbitration Award. The LV Sun's motion is denied as to all requests to vacate, modify, or correct the Arbitrator's Award. Lastly, the Review Journal's Conditional Countermotion to Confirm Arbitration Award, in Part, and to Vacate the Award, in Part shall be GRANTED in Part and DENIED in Part. The Review Journal's countermotion is granted as to the request to confirm the Arbitration Award. The Review Journal's countermotion is denied as to the request to vacate the Arbitration Award.

Lastly, in order to alleviate any potential misunderstanding in light of the confusing procedural posture of the pleadings and request for relief in this case, it is the Court's intention to AFFIRM the entire Arbitration Decision as written.

Counsel for Plaintiff shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature.

CLERK'S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

January 10, 2020

A-18-772591-B Las Vegas Sun Inc, Plaintiff(s)
vs.
News+Media Capital Group LLC, Defendant(s)

January 10, 2020 11:45 AM Minute Order

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- On January 9, 2020, a stay was entered in this case. Therefore, the Court hereby vacates the pending motions under submission regarding sealing of documents. In the event of the stay being lifted, these matters will renew for consideration and decision.

CLERK S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters**COURT MINUTES****January 29, 2020**

A-18-772591-B Las Vegas Sun Inc, Plaintiff(s)
 vs.
 News+Media Capital Group LLC, Defendant(s)

January 29, 2020 9:00 AM Motion for Leave

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Gayan, Michael J	Attorney
	Jones, Jon Randall	Attorney
	Martini, Kristen L.	Attorney
	Smith, Jordan T., ESQ	Attorney

JOURNAL ENTRIES

- Upon Court's inquiry as to federal action status, Mr. Gayan advised Motions to Dismiss fully briefed, hearings not set, his client moved to stay pending dismissal, conference report submitted, and there is a 2/4/20 hearing before Magistrate on stay issue and the report. Arguments by Mr. Gayan and Mr. Smith regarding the instant Motion. Court stated there appears jurisdiction on the issue. COURT ORDERED, Motion For Leave To File Additional Briefing Requested By Court GRANTED. Colloquy regarding briefing and hearing schedule as to sealing issue and modification of stipulated protective order. There being agreement, COURT FURTHER ORDERED, briefing and hearing as follows: Motion DUE 2/12/20; Opposition DUE 2/26/20; Reply DUE 3/4/20; Hearing SET 3/11/20. Court directed Mr. Gayan to prepare today's order. COURT FURTHER ORDERED, 2/19/20 Status Check matters VACATED.

3/11/20 9:30 AM HEARING ON SEALING AND MODIFICATION ISSUE

CLERK'S NOTE: Subsequent to proceedings, Court hereby clarifies as to the briefing there will be no strict page number limit; parties are to follow customary limit pursuant to the Rules. This Minute

PRINT DATE: 03/17/2020

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Minutes Date: August 22, 2018

Order has been electronically served to the parties through Odyssey eFile.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

March 11, 2020

A-18-772591-B	Las Vegas Sun Inc, Plaintiff(s) vs. News+Media Capital Group LLC, Defendant(s)
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March 11, 2020 9:00 AM Hearing

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Dana J. Tavaglione

PARTIES

PRESENT:	Gayan, Michael J	Attorney
	Jones, Jon Randall	Attorney
	Martini, Kristen L.	Attorney
	Pisanelli, James J	Attorney
	Reid, Leif	Attorney
	Smith, Jordan T., ESQ	Attorney

JOURNAL ENTRIES

- Court noted case stayed. COURT ORDERED, Trial dates VACATED. Arguments and discussion by counsel regarding sealing issues with respect to the private arbitration. Colloquy regarding supplemental briefing on specific items in dispute and whether to submit under seal. Ms. Martini advised objection to request to seal the briefs by Mr. Jones. Court directed briefs to be submitted under seal. COURT ORDERED, supplemental brief from Pltf. DUE 3/25/20; responsive supplemental brief from Defense DUE 4/8/20; Chambers hearing SET 4/15/20.

4/15/20 CHAMBERS DECISION: SEALING AND MODIFICATION ISSUE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

March 12, 2020

A-18-772591-B Las Vegas Sun Inc, Plaintiff(s)
vs.
News+Media Capital Group LLC, Defendant(s)

March 12, 2020 3:21 PM Minute Order

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- As a precautionary measure in light of public health concerns with respect to Coronavirus CoVID-19, this Court orders that any party intending to appear before Department 16 for law and motion matters between now and April 30, 2020 do so by Court-approved telephonic means only. As a result, your matter scheduled Tuesday, March 18, 2020 in this case will be held telephonically via CourtCall. You are hereby requested to make arrangements with CourtCall if you intend to participate that day. Please refer to Department 16's guidelines with regard to CourtCall scheduling:

"Department 16 utilizes CourtCall for telephonic appearances. Please contact CourtCall for approved appearances and to schedule. They can be reached toll-free at 1-888-882-6878 and/or on-line at www.courtcall.com no later than one judicial day preceding your hearing date. Please note, all witnesses appearing telephonically must have ... court-approved notary and/or official present on their end to swear them in."

If you have questions or concerns with respect to your matter and this interim telephonic requirement, please contact JEA Lynn Berkheimer.

CLERK'S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

E. LEIF REID
1 E. LIBERTY ST., SUITE 300
RENO, NV 89501

DATE: March 17, 2020
CASE: A-18-772591-B

RE CASE: LAS VEGAS SUN, INC. vs. NEWS+MEDIA CAPITAL GROUP, LLC; LAS VEGAS REVIEW-JOURNAL, INC.

NOTICE OF APPEAL FILED: March 13, 2020

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

LAS VEGAS SUN, INC.'S NOTICE OF APPEAL; LAS VEGAS SUN, INC.'S
CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET;
JUDGMENT; NOTICE OF ENTRY OF JUDGMENT; DISTRICT COURT MINUTES; NOTICE OF
DEFICIENCY

LAS VEGAS SUN, INC.,

Plaintiff(s),

vs.

NEWS+MEDIA CAPITAL GROUP, LLC; LAS
VEGAS REVIEW-JOURNAL, INC.,

Defendant(s),

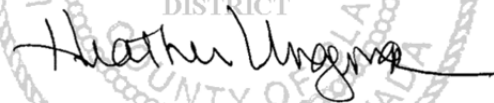
Case No: A-18-772591-B

Dept No: XVI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 17 day of March 2020.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

A-18-772591-B

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

May 01, 2020

A-18-772591-B Las Vegas Sun Inc, Plaintiff(s)
vs.
News+Media Capital Group LLC, Defendant(s)

May 01, 2020 10:24 AM Minute Order re: Motion to Seal

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

JOURNAL ENTRIES

After a review and consideration of the record, the points and authorities on file herein, and oral argument of counsel, the Court determined as follows:

In Washoe Cty. Sch. Dist. v. White, 133 Nev. 301 (2017), the Nevada Supreme Court discussed the district court's mandate in reviewing an arbitration award. From Washoe, it is apparent that a district courts' review of the arbitration record is substantially limited. Highlighting the restraint district courts should provide to an arbitrators' decision, the Supreme Court cautioned district courts that arbitrators are permitted to make: misinterpretations—even if erroneous provided it is rationally grounded in the agreement, make factual or legal errors, incorrectly decide an issue, and/or incorrectly interpret the law. Id at 304.

Put simply, under Nevada law, "courts are not to deprive the parties of the benefits of arbitration [the parties] have bargained for...." Phillips v. Parker, 106 Nev. 415, 417 (1990). Instead of using the district courts' judgment, the parties have requested to be subject to the informed judgment of the arbitrator in reaching fair solutions to problems that arise during the arbitration. *See Int'l Ass'n of Firefighters, Local 1285 v. City of Las Vegas*, 107 Nev. 906, 910, 823 P.2d 877, 879 (1991). While the arbitrator's authority is not limitless, a district courts' desire to use its own judgment instead of the

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Minutes Date: May 01, 2020

arbitrator's judgment is extremely restricted. *See Washoe Cty. Sch. Dist. v. White*, 133 Nev. 301 (2017).

Further, it is clear under NRS 38.231(1) that the arbitrator's authority includes . . . among other matters, [the ability to] determine the admissibility, relevance, materiality, and weight of any evidence. Additionally, pursuant to NRS 38.233(5), an arbitrator is authorized to issue a protective order to prevent the disclosure of privileged information, confidential information, trade secrets and other information protected from disclosure to the extent a court could if the controversy were the subject of a civil action in this State. Thus, the role of a private arbitrator in binding arbitration differs little if any from a trial judge and jury.

The Court must point that in reaching its decision, it was of paramount significance that this particular matter involved sophisticated parties who entered into a highly complex Joint Operating Agreement. The parties in this matter have been involved in a very intimate business arrangement for decades predicated on the United States Congress' creation of the Newspaper Preservation Act. This Act allows competing newspapers to enter into a unique operating agreement and yet avoid U.S. antitrust laws. As the parties entered into an agreement that allowed them to share and disclose private and confidential business information related to their respective companies, the Court cannot overlook the import of such a complex arrangement. Under this unique background, the parties ultimately submitted their dispute to binding arbitration under the terms and conditions of their Joint Operation Agreement. Thus, due to the distinct nature of the parties' business relationship described above, the Court took significant notice of the Nevada Supreme Court's mandate not to deprive the parties of the benefits of the arbitration that they bargained for.

Turning to the instant case, the Court must determine whether to overrule the Arbitrator's Order signed on February 18, 2019, which made the materials filed in the underlying private arbitration confidential. In light of an arbitrator's role as the equivalent of a trial judge and jury in a private arbitration, the Court finds that with its limited mandate in confirming, modifying, and/or vacating an arbitration award, it would be improper to replace the Arbitrator's evidentiary judgments with this Court's judgment.

In reaching a determination, the court considered several issues. Consideration was given to the

Court's restricted mandate in the arbitration process, and the limited judicial resources needed to fulfill that mandate. Additionally, the procedural history that followed the Arbitrator's Award and the first party seeking to enforce the fruits of the arbitration were weighed. *See Redeemer Comm. of Highland Credit Strategies Funds v. Highland Capital Mgmt., L.P.*, 182 F. Supp. 3d 128, 133 (S.D.N.Y. 2016). The Court also considered Nevada's strong public policy in favor of arbitration and securing the benefits of a bargained-for private arbitration. The Court further considered the compelling reasons favoring the public's interest in the access of the information in private arbitration against the Court's duty to guard against court filings that might have become a vehicle for improper purposes. *See Kamakana v. City & Cty. Of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). Also, the parties' relationship and how it related to the Newspaper Preservation Act was of particular concern.

After much consideration, the Court finds that the Arbitrator had the authority to issue a protective order to prevent the disclosure of privileged information, confidential information, trade secrets, and other information protected from disclosure. It is also clear from the history that throughout this case, the Arbitrator used his authority and discretion to determine the admissibility, relevance, materiality, and weight of the evidence. The Arbitrator's Orders sealing the records at issue in this matter constitute a "compelling circumstance" under subsection SRCR 3(4)(h). The Court further finds that additional compelling circumstances exist in light of the benefits of the arbitration agreement, Nevada's public policies concerning the public's right to information and private arbitration, the Newspaper Preservation Acts' influence on the parties' agreement, and this Court's restricted review of the Arbitrator's determinations.

Moreover, the Court has grave concerns about the use of a motion to vacate and/or confirm an arbitration award as a tool to transform a bargained for private dispute into a public dispute by merely filing a motion. The Court reiterates that it was not required to consider the vast majority of the materials sought to be unsealed in order to render a decision on the Plaintiff's motion to confirm arbitration award, in part, and to vacate or, alternatively, modify or correct the award in part. Finally, the parties stipulated to specific confidentiality and privacy under the terms and conditions of a binding arbitration agreement; their decision consequently binds them. Accordingly, when considering the deference given to the arbitrator

in Washoe Cty. Sch. Dist. v. White, as well as this Court's limited mandate, the Court finds that it would be an error if it were to exceed its limited charge and expand the thrust of the Arbitrator's Protective Order. Therefore, **Defendant's News+Media Capital Group LLC' s/Counterclaimant Las Vegas Review-Journal, Inc.'s Motion To Seal Materials Generated In The Private Arbitration Is Granted.**

As a result of this decision, the Court further finds that pursuant to Section V: Modification Of This Order, there is good cause to modify this Court's August 8, 2019, Stipulated Confidentiality and Protective Order. *See Kamakana v. City & Cty. Of Honolulu*, 447 F.3d 1172, 1183 (9th Cir. 2006)(recognizing modification provisions are often contained in stipulated protective orders). Respectively, to the extent that the Stipulated Confidentiality and Protective Order that this Court signed is read to replace or expand the Stipulated Confidentiality and Protective Order that the Arbitrator signed on February 18, 2019, the Arbitrator's Order will be shown deference. Thus, the Arbitrator's Protective Order will continue to control all remaining materials generated in the binding private arbitration that this Court did not rely on to fulfill its limited mandate. Furthermore, the Court finds that it has already made public the relevant and limited parts of the record that were required to render its decision in this matter in its December 4, 2019, Minute Order.

Defendant shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature.

CLERK'S NOTE: This Minute Order has been served on counsel electronically through Odyssey eFile



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DISTRICT COURT

CLARK COUNTY, NEVADA

LAS VEGAS SUN, INC., a Nevada
corporation,

Plaintiff,

v.

NEWS+MEDIA CAPITAL GROUP LLC, a
Delaware limited liability company; and
LAS VEGAS REVIEW-JOURNAL, INC., a
Delaware limited liability company,

Defendants.

LAS VEGAS REVIEW-JOURNAL, INC., a
Delaware corporation,

Counterclaimant,

v.

LAS VEGAS SUN, INC., a Nevada
corporation,

Counter-defendant.

Case No.: A-18-772591-B

Dept. No.: 16

**[PROPOSED] FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDER
GRANTING DEFENDANT
NEWS+MEDIA CAPITAL GROUP
LLC'S AND DEFENDANT/
COUNTERCLAIMANT LAS VEGAS
REVIEW-JOURNAL, INC.'S MOTION
TO SEAL ALL MATERIALS
GENERATED IN THE PRIVATE
ARBITRATION**

Hearing Date: March 11, 2020

Hearing Time: 9:00 a.m.

1 This matter came before the Court on March 11, 2020, at 9:00 a.m., with all parties
2 appearing by and through their counsel of record on Defendant News+Media Capital Group
3 LLC's and Defendant/Counterclaimant Las Vegas Review-Journal, Inc.'s (collectively, the
4 "Review-Journal", "RJ", or "Defendants") Motion to Seal All Materials Generated in the
5 Private Arbitration. The Court, having considered the papers and pleadings on file herein,
6 having heard oral argument of counsel, and with good cause appearing and there being no just
7 reason for delay, makes the following findings of fact, conclusions of law, and order:

8 **I.**

9 **FINDINGS OF FACT**

10 **A. Background**

11 1. In April 2018, the Las Vegas Sun, Inc. ("Sun" or "Plaintiff") filed suit against the
12 Review-Journal in the Eighth Judicial District Court. Shortly thereafter, this Court ordered the
13 parties to arbitrate the Sun's accounting-related claims under the parties' 2005 joint operating
14 arrangement ("JOA").

15 2. Under Appendix D of the JOA, the Sun agreed to maintain the confidentiality of
16 the Review-Journal's financial records. Specifically, although Appendix D requires that the
17 Sun's auditor maintain the confidentiality of a Review-Journal audit, it allows the auditor to
18 share certain financial information with the Sun's management. The JOA also provides that any
19 arbitration be conducted "according to the commercial arbitration rules of the American
20 Arbitration Association" (AAA) and further provides that the arbitrator "be bound by [the]
21 terms of confidentiality to the same extent as the Sun's representative." The referenced
22 Commercial Arbitration Rules of AAA expressly contemplate a private, confidential
23 proceeding. *See* R-25 ("the arbitrator and the AAA shall maintain the privacy of the hearings
24 unless the law provides to the contrary").

25 3. On February 8, 2019, as part of the arbitration proceedings, the Arbitrator
26 entered a Stipulated Confidentiality and Protective Order (the "Arbitration PO"). Section I(A) of
27 the Arbitration PO orders that:

28 Confidential Information: In conformity with, and subject to, the provisions of
Appendix D of the Amended and Restated Agreement dated June 10, 2005

1 (“2005 JOA”), all information of any kind, including, but not limited to, all
2 briefs, depositions, hearing transcripts, and any discovery generated in the
3 course of this arbitration, such as any document, object, file, photograph, video,
4 tangible thing, interrogatory answers, answers to requests for admissions,
5 testimony in a debtor’s exam or other deposition, or other material shall be
6 deemed “Confidential Information.”

7 4. The Sun states that “a blanket confidentiality designation was used to facilitate
8 the expedited 60-day arbitration time constraint.” 02/26/20 Sun Opp., 3:22-26. The Sun further
9 states that this designation provision was copied from a 2016 arbitration protective order
10 between the Sun and the Review-Journal’s former owner. *Id.*

11 5. In July 2019, the Arbitrator issued his written decision (“Award”).

12 6. On August 8, 2019, this Court entered a Stipulated Confidentiality and Protective
13 order related to the proceedings before this Court (the “State Court PO”). Section I(A) of the
14 State Court PO orders that:

15 Confidential Arbitration Information: In conformity with, and subject to, the
16 provisions of Appendix D of the Amended and Restated Agreement dated June
17 10, 2005 (“2005 JOA”), all information generated in the AAA arbitration
18 between the parties, including, but not limited to, all arbitration briefs,
19 depositions, hearing transcripts, and any discovery generated in the course of
20 the arbitration case, such as any document, object, file, photograph, video,
21 tangible thing, interrogatory answers, answers to requests for admissions,
22 testimony in a deposition, or other arbitration material shall be deemed
23 “Confidential Information,” unless such arbitration material was designated
24 “Highly Confidential” (as defined below), in which case the information shall
25 be subject to the heightened protections set out in this stipulated confidentiality
26 and protective order, provided only, however, that such Confidential
27 Information and Highly Confidential Information would have been entitled to
28 confidentiality protections under Appendix D of the 2005 JOA or Nevada Rule
of Civil Procedure 26(c).

B. The Motions to Seal, Unseal, and to Modify

7. In September 2019, the parties filed dueling motions to vacate/confirm the
Award. With its motion, the Sun filed nearly 4,000 pages of confidential arbitration materials,
but did not cite to or rely upon the majority of them.

8. Along with these motions and motions seeking other relief (i.e., leave to amend
and dismissal of counterclaims), the parties also filed several motions to seal and/or unseal the
arbitration-related documents. The filed pleadings and hearing dates are as follows:

Motion Name and File Date	Opposition Date	Reply Date	Hearing Date	Motion Subject
9/9/19 Sun's Motion for Leave to File Documents Under Seal [Exhibits 6-10, 15-17, 20-21, and 22 of Opposition to Defendants' Motion for Leave to Amend Answer and Assert Counterclaim and Portions of Opposition]	9/30/19 RJ Limited Opposition	10/11/19 Sun Reply	10/31/19	8/30/19 RJ Motion to Amend
9/13/19 Sun's Motion for Leave to File Documents Under Seal [Volumes 2-17 of Sun's Motion to Confirm Arbitration Award and Motion to Confirm Arbitration Award]	9/30/19 RJ Limited Opposition	10/11/19 Sun Reply	10/31/19	9/13/19 Sun Motion re: Arb. Award
9/18/19 RJ's Motion for Leave to File Documents Under Seal [Exhibits B and C to Defendants' Motion to Vacate Arbitration Award and Portions of Motion to Vacate]	9/30/19 Sun Limited Opposition	10/11/19 RJ Reply	10/31/19	RJ Motion re: Arb. Award
9/30/19 RJ's Motion to Seal [Defendants' Opposition to Plaintiff's Motion to Confirm Arbitration Award and Conditional Countermotion, including Exhibits A-K]	10/10/19 Sun Limited Opposition	11/1/19 RJ Reply	11/6/19	Sun Motion re: Arb. Award
9/30/19 Sun's Motion for Leave to File Documents Under Seal [The Sun's Opposition and Exhibits to Defendants' Motion to Vacate Arbitration Award]	10/10/19 RJ Limited Opposition	11/1/19 Sun Reply	11/6/19	RJ Motion re: Arb. Award
10/11/19 RJ's Motion for Leave to File Documents Under Seal [Exhibits E-H to Defendants' Reply in Support of Motion to Vacate Arbitration Award and Portions of the Reply]	10/21/19 Sun Limited Opposition	11/8/19 RJ Reply	11/12/19	RJ Motion re: Arb. Award
10/11/19 Sun's Motion for Leave to File Documents Under Seal [Exhibits 3-6 to Reply in support of Sun's Motion to Confirm Arbitration Award and References Thereto]	10/21/19 RJ Limited Opposition	11/8/19 Sun Reply	11/12/19	Sun Motion re: Arb. Award

Motion Name and File Date	Opposition Date	Reply Date	Hearing Date	Motion Subject
11/18/19 Sun’s Motion for Leave to File Documents Under Seal [Exhibits 7 and 9 to Sun’s Reply in Support of Motion to Dismiss Counterclaims, etc. and References Thereto]	12/2/19 RJ Non-Opposition	<i>Stay Entered</i>	<i>Stay Entered</i>	Sun Motion to Dismiss
12/2/19 Sun’s Motion for Leave to File Documents Under Seal [Exhibits 5, 7, and 9 to Sun’s Opposition to Defendants’ Emergency Motion to Stay Case, etc. and References Thereto]	<i>Stay Entered</i>	<i>Stay Entered</i>	<i>Stay Entered</i>	RJ Motion to Stay

9. At the hearings on October 31, November 6, and November 12, 2019, the Court heard argument regarding the parties’ various motions to seal and/or unseal. The Court took those motions under submission. During the hearing on November 6, 2019, the Court asked the parties to address whether the Court could modify the language of the State Court PO to address the parties’ dispute over its meaning and scope, specifically whether it was meant to be read consistent with the Arbitration PO. In response, the Review-Journal noted its intent to file a motion to modify the State Court PO. The Review-Journal filed that motion on November 19, 2019.

C. The Stay, Confirmation Order, and Supplemental Briefing

10. On November 20, 2019, this Court stayed the Review-Journal’s Counterclaims pending resolution of the Sun’s action filed in the United States District Court, District of Nevada, styled as *Las Vegas Sun, Inc. v. Adelson, et al.*, Case No. 2:19-CV-01667-GMN-BNW (the “Federal Action”).

11. On December 4, 2019, this Court stayed this entire action pending resolution of the Federal Action. At the same hearing, this Court invited additional briefing on the following subjects with respect to the parties’ requests to seal and/or unseal the arbitration-related documents: (1) the public policy issues regarding maintaining the confidentiality of private arbitration; (2) whether filing a motion to vacate and/or confirm an arbitration award opens up

1 the entire confidential arbitration record to public view; and (3) whether the State Court
2 Confidentiality Order between the parties may be modified.

3 12. Later on December 4, 2019, this Court entered a Minute Order confirming the
4 Award.

5 13. On January 10, 2020, this Court entered a Minute Order vacating the pending
6 motions under submission regarding the sealing and unsealing of arbitration documents and
7 stated that, in the event of the stay being lifted, the matters will renew for consideration and
8 decision.

9 14. Because the case was stayed and the parties had expressed intention of filing an
10 appeal of the confirmation order, on January 16, 2020, the Review-Journal filed a Motion for
11 Leave to File Additional Briefing Requested by Court on Order Shortening Time to address the
12 Court's three questions listed in ¶ 11 herein. That motion was heard on January 29, 2020. The
13 Court granted the motion in part and the parties were given leave to file additional briefing
14 related to the various pending motions concerning the sealing of the arbitration-related records
15 in this action.

16 15. On January 28, 2020, the Court entered its Findings of Facts, Conclusions of
17 Law, and Order Affirming the Arbitration Award. The Court made no reference to any
18 confidential document besides the Award and limited any quotation of the Award because "the
19 full contents of the Award are the subject of various motions to seal pending before this Court."

20 16. On February 12, 2020, the Review-Journal filed its Motion to Seal All Materials
21 Generated in the Private Arbitration (the "Motion"), followed by the Sun's opposition on
22 February 26, 2020, and the Review-Journal's reply on March 4, 2020. Along with its reply, the
23 Review-Journal filed a Motion for Leave to File Under Seal [Exhibits 9-10 of its reply]. The
24 Motion was heard on March 11, 2020. The Motion sought, among other things, to resolve the
25 sealing issues for all pending motions filed by both parties.

26 17. At the March 11, 2020, hearing, this Court heard oral argument from the parties
27 on the Motion and granted the Sun's request to file additional briefing on the matter. The Court
28 also ordered the supplemental briefs be filed under seal.

18. On March 25, 2020, the Sun filed its Supplemental Brief in Opposition to the Review-Journal’s Motion. Along with its supplemental brief, the Sun also filed a Motion for Leave to Unseal its supplemental brief, which the Review-Journal opposed. On April 8, 2020, the Review-Journal filed its Responsive Supplemental Brief in support of its Motion, which was the last brief submitted on this issue.

II.

CONCLUSIONS OF LAW

A. Court’s Review of Arbitration Award

19. In *Washoe Cty. Sch. Dist. v. White*, 133 Nev. 301 (2017), the Nevada Supreme Court discussed the district court’s mandate in reviewing an arbitration award. From *Washoe*, it is apparent that a district courts’ review of the arbitration record is substantially limited. Highlighting the restraint district courts should provide to an arbitrators’ decision, the Nevada Supreme Court cautioned district courts that arbitrators are permitted to make: misinterpretations—even if erroneous provided it is rationally grounded in the agreement, make factual or legal errors, incorrectly decide an issue, and/or incorrectly interpret the law. *Id.* at 304.

20. Instead of using the district courts’ judgment, the parties have requested to be subject to the informed judgment of the arbitrator in reaching fair solutions to problems that arise during the arbitration. *See Int’l Ass’n of Firefighters, Local 1285 v. City of Las Vegas*, 107 Nev. 906, 910, 823 P.2d 877, 879 (1991). While the arbitrator’s authority is not limitless, a district courts’ desire to use its own judgment instead of the arbitrator’s judgment is extremely restricted. *See Washoe*, 133 Nev. 301 (2017).

B. Nevada’s Strong Public Policy Favoring Private Arbitration

21. Nevada courts have repeatedly emphasized that encouraging litigants to choose arbitration over traditional litigation serves significant public policy objectives. *See, e.g., Mikohn Gaming Corp. v. McCrea*, 120 Nev. 248, 252, 89 P.3d 36, 39 (2004) (“Nevada’s version of the Uniform Arbitration Act (UAA) clearly favors arbitration. And we have previously recognized a strong policy in favor of arbitration”); *State ex rel. Masto v.*

Second Jud. Dist. Ct., 125 Nev. 37, 44, 199 P.3d 828, 832 (2009) (“As a matter of public policy, Nevada courts encourage arbitration and liberally construe arbitration clauses in favor of granting arbitration”); *Tallman v. Eighth Jud. Dist. Ct.*, 131 Nev. 713, 720, 359 P.3d 113, 118–119 (2015) (referring to “Nevada’s fundamental policy favoring the enforceability of arbitration agreements”); *D.R. Horton, Inc. v. Green*, 120 Nev. 549, 553, 96 P.3d 1159, 1162 (2004) (“Strong public policy favors arbitration . . .”); *Phillips v. Parker*, 106 Nev. 415, 417, 794 P.2d 716, 718 (1990) (“Courts are not to deprive the parties of the benefits of arbitration they have bargained for, and arbitration clauses are to be construed liberally in favor of arbitration.”); *Morgan v. Las Vegas Sands, Inc.*, 118 Nev. 315, 321–22, 43 P.3d 1036, 1040 (2002) (“[T]he essence of the Nevada court-annexed arbitration program is, of course, to resolve as many matters in the arbitration process as possible.”).

22. “One of the principal reasons people agree to arbitrate rather than litigate, is to maintain confidentiality.” *ITT Indus., Inc. v. Rayonier, Inc.*, 2005 WL 1744988, at *2 (S.D.N.Y. July 20, 2005); *Original Appalachian Artworks*, 2017 WL 5476798, at *4 (“[P]arties often enter into [arbitration] to maintain confidentiality”). Courts recognize that because arbitrations are “inherently private,” there is a corresponding “strong public policy in favor of preserving the confidentiality of such private proceedings.” *Perdue v. Citigroup Glob. Markets, Inc.*, 2008 WL 11336459, at *4 (N.D. Ga. May 14, 2008) (collecting cases); *see also Guyden v. Aetna, Inc.*, 544 F.3d 376, 385 (2d Cir. 2008) (“[C]onfidentiality is a paradigmatic aspect of arbitration.”). Courts around the country have noted that parties submit to arbitration precisely because that forum is private and, consequently, promotes an open and frank dialogue. *See, e.g., Original Appalachian Artworks*, 2017 WL 5476798, at *4 (“[P]arties often enter into them to maintain confidentiality; and . . . it promotes the voluntary execution of private arbitration agreements—a sound public policy objective.”).

23. Nevada’s strong public policy favoring private arbitration requires the Court to honor and protect the parties’ agreement to privately and confidentially arbitrate their dispute. Any other outcome would hinder one of the main reasons for arbitrating in the first place and, as a result, discourage parties from agreeing to arbitrate in lieu of litigation. *See, e.g., Civil Rights*

for *Seniors v. Admin. Office of the Cts.*, 129 Nev. 752, 313 P.3d 216 (2013) (holding that unsealing Foreclosure Mediation program records would “have a chilling effect on open and candid FMP participation, undermining the Legislature’s interest in promoting mediation.”); *Trs. of Plumbers & Pipefitters Union Local 525 Health & Welfare Tr. Plan v. Developers Sur. & Indem. Co.*, 120 Nev. 56, 62, 84 P.3d 59, 62 (2004) (discussing “Nevada’s policy to encourage pretrial dispute resolution,” and declining to embrace a ruling that would “not only remove the incentive to settle, [but] would create an incentive to litigate.”).¹

24. Jurisdictions throughout the country similarly acknowledge this “bedrock principle,” explaining the “important public interest in protecting the rights of parties who submit to confidential arbitration.” *Pasternak v. Dow Kim*, 2013 WL 1729564, at *3 (S.D.N.Y. Apr. 22, 2013); *Century Indem. Co. v. Certain Underwriters at Lloyd’s, London*, 592 F. Supp. 2d 825, 828 (E.D. Pa. 2009) (recognizing that “a sound public policy objective” is “promot[ing] the voluntary execution of private arbitration agreements.”); *Glob. Reinsurance Corp.-U.S. Branch v. Argonaut Ins. Co.*, 2008 WL 1805459, at *1 (S.D.N.Y. Apr. 21, 2008) (holding “federal policy in favor of arbitration is promoted by permitting one of the principle advantages of arbitration—confidentiality—to be achieved.”); *Original Appalachian Artworks, Inc. v. Jakks Pac., Inc.*, 2017 WL 5476798, at *4 (N.D. Ga. Mar. 6, 2017), *aff’d*, 718 F. App’x 776 (11th Cir. 2017) (sealing arbitration records of “contract dispute between private parties” due to

¹ One court discussed the expectations of privacy in the context of arbitration and settlement, which illustrates a common basis for maintaining the confidentiality of both ADR forms.

[T]he court is concerned about the public policy that favors settlement through the arbitration and mediation process. The success of such alternative dispute resolution mechanisms depends on the candor and forthrightness of the parties involved. In this complex case, the Arbitration Agreement included provisions that tightly controlled dissemination of documents related to the Arbitration process; those confidentiality provisions likely provided PRPs with an incentive to participate in the Arbitration/Mediation process. While defendants should be permitted discovery of those confidential documents that are relevant to their defenses, the court should protect such information from disclosure that might adversely affect other PRPs, and in the long run, undermine the success of alternate dispute mechanisms.

City of Tacoma v. Great Am. Ins. Cos., No. C97-5504-RJB, 2005 WL 8174121, at *2 (W.D. Wash. Mar. 24, 2005).

1 “legitimate concerns involving the parties’ privacy interests and the potential for reputational
2 harm in light of the confidential arbitration.”); *Barkley v. Pizza Hut of Am., Inc.*, 2015 WL
3 5915817, at *2 (M.D. Fla. Oct. 8, 2015) (recognizing that courts “tend to honor parties’
4 decisions to enter into confidential arbitration [and] keep those proceedings, including awards,
5 confidential” because “it promotes the voluntary execution of private arbitration agreements—a
6 sound public policy objective.”).

7 25. Furthermore, Nevada public policy favors all forms of ADR to help relieve the
8 pressure on the overburdened Nevada court system. Nevada courts have some of the highest
9 caseloads in the nation. To meet the demands of ballooning dockets, the Nevada Judiciary has
10 employed a multi-prong strategy to create efficiencies and reduce caseloads. This strategy
11 includes creating the Nevada Court of Appeals in 2015, establishing specialty courts in certain
12 districts (e.g., business court, construction defect court), appointing a Discovery Commissioner
13 in the Eighth Judicial District, amending the Nevada Rules of Civil Procedure and,
14 implementing various forms of ADR programs. Nevada’s ADR programs include but are not
15 limited to pre-litigation filing requirements (e.g., NRS 40.600, et seq.), various mediation
16 programs and requirements, mandatory arbitration for cases with less than \$50,000 in
17 controversy (presided over by the ADR Commissioner), the voluntary early settlement program
18 (EDCR 2.34(h)), the district court settlement judge program, the short-trial program (governed
19 by the Nevada Short Trial Rules), the ability for district courts to compel parties to participate in
20 mandatory settlement conferences (EDCR 2.51), and the mandatory Supreme Court settlement
21 program (NRAP 16).

22 26. The Nevada Supreme Court has emphasized the benefits of arbitration, including
23 the financial impact on the parties and the court. *See Casino Props., Inc. v. Andrews*, 112 Nev.
24 132, 135, 911 P.2d 1181, 1182 n.2 (1996) (explaining that Nevada’s mandatory arbitration
25 rules, similar to those of New Jersey, aim “to provide the parties with a quick and inexpensive
26 means of resolving their dispute while, at the same time, reducing the court’s caseload.”); *see*
27 *also* Statement of Assemblymen Don Gustavson, Nev. Assembly Cmte. Mins., 4/24/2001
28 (explaining arbitration provides “a place to go as an alternative to court, to save the court’s time

and money, as well as to save money for the parties involved.”).

C. Arbitrator’s Authority

27. The Nevada Legislature provided Arbitrators with the power to order and maintain confidentiality of arbitration proceedings. *See, e.g.*, Statement of Frank Cassas, Member, Construction Industry Panel of Arbitrators of the AAA, Nev. Assembly Cmte. Mins., 4/24/2001 (explaining Nevada “placed the discovery process under the control of the arbitrator, giving the arbitrator the authority to prevent the abuse of the process.”); *Golden Boy Promotions, Inc. v. Top Rank, Inc.*, No. 2:10-CV-01619-RLH, 2011 WL 686362, at *2 (D. Nev. Feb. 17, 2011) (“[I]t is apparent that the parties did not intend for the information in the Term Sheet to become public because it contains detailed, confidential business dealings. This is supported by the fact that the agreement itself contains a confidentiality provision and that the arbitrator ordered the parties to keep the details of the agreement confidential.”); *Decapolis Grp., LLC v. Mangesh Energy, Ltd.*, No. 3:13-CV-1547-M, 2014 WL 702000, at *2 (N.D. Tex. Feb. 24, 2014) (sealing award that “contains sensitive information such as business strategies and the developmental progress of their oil and gas exploration” and holding “any public interest in the Award is minimal and counterbalanced by the interest in confidentiality expressed in the parties’ agreement.”); *Nationwide Mut. Ins. Co. v. Westchester Fire Ins. Co.*, No. 08-CV-673-BBC, 2009 WL 275561, at *1 (W.D. Wis. Feb. 4, 2009) (“[P]etitioner has moved to seal its motion to confirm the arbitration award in an effort to comply with a confidentiality order entered by the panel that entered the arbitration award. That motion will be granted.”); *Barkley*, 2015 WL 5915817, at *2; *Century Indem. Co.*, 592 F. Supp. 2d at 828.

28. Further, it is clear under NRS 38.231(1) that the arbitrator’s authority includes among other matters, [the ability to] determine the admissibility, relevance, materiality, and weight of any evidence. Additionally, pursuant to NRS 38.233(5), an arbitrator is authorized to issue a protective order to prevent the disclosure of privileged information, confidential information, trade secrets and other information protected from disclosure to the extent a court could if the controversy were the subject of a civil action in this State. Thus, the role of a private arbitrator in binding arbitration differs little if any from a trial judge and jury. *See, e.g., City of*

1 *Newark v. Law Dep't of New York*, 754 N.Y.S.2d 141, 144, 194 Misc.2d 246, 248 (2002).

2 29. The Court points out that in reaching its decision, it was of paramount
3 significance that this particular matter involved sophisticated parties who entered into a highly
4 complex JOA. The Review-Journal and the Sun have been involved in a very intimate business
5 arrangement for decades predicated on the United States Congress' creation of the Newspaper
6 Preservation Act. This Act allows competing newspapers to enter into a unique operating
7 agreement and yet avoid U.S. antitrust laws. As the parties entered into an agreement that
8 allowed them to share and disclose private and confidential business information related to their
9 respective companies, the Court cannot overlook the import of such a complex arrangement.
10 Under this unique background, the parties ultimately submitted their dispute to binding
11 arbitration under the terms and conditions of their JOA. Thus, due to the distinct nature of the
12 parties' business relationship described above, the Court took significant notice of the Nevada
13 Supreme Court's mandate not to deprive the parties of the benefits of the arbitration that they
14 bargained for.

15 30. Turning to the instant case, the Court must determine whether to overrule the
16 Arbitration PO, which made the materials filed in the underlying private arbitration confidential.
17 In light of an arbitrator's role as the equivalent of a trial judge and jury in a private arbitration,
18 the Court finds that with its limited mandate in confirming, modifying, and/or vacating an
19 arbitration award, it would be improper to replace the Arbitrator's evidentiary judgments with
20 this Court's judgment.

21 31. In reaching this determination, the Court considered several issues.
22 Consideration was given to the Court's restricted mandate in the arbitration process, and the
23 limited judicial resources needed to fulfill that mandate. Additionally, the procedural history
24 that followed the Arbitrator's Award and the first party seeking to enforce the fruits of the
25 arbitration were weighed. *See Redeemer Comm. of Highland Credit Strategies Funds v.*
26 *Highland Capital Mgmt., L.P.*, 182 F. Supp. 3d 128, 133 (S.D.N.Y. 2016). The Court also
27 considered Nevada's strong public policy in favor of arbitration and securing the benefits of a
28 bargained-for private arbitration. The Court further considered the compelling reasons favoring

the public’s interest in the access of the information in private arbitration against the Court’s duty to guard against court filings that might have become a vehicle for improper purposes. *See Kamakana v. City & Cty. Of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). Also, the parties’ relationship and how it related to the Newspaper Preservation Act was of particular concern.

32. After much consideration, the Court finds that the Arbitrator had the authority to issue a protective order to prevent the disclosure of privileged information, confidential information, trade secrets, and other information protected from disclosure. It is also clear from the history that throughout this case, the Arbitrator used his authority and discretion to determine the admissibility, relevance, materiality, and weight of the evidence.

D. SRCR 3(4)

33. Under SRCR 3(4), the court may seal records if “compelling privacy or safety interests . . . outweigh the public interest in access to the court record.” Nevada’s sealing rule enumerates examples of when public interest in privacy outweighs the public interest in access to judicial records. *See id.*

34. Specifically, under SRCR 3(4), the public’s interest in privacy trumps the public interest in access to court records upon a court finding that:

- (a) The sealing or redaction is permitted or required by federal or state law;
- (b) The sealing or redaction furthers an order entered under NRCP 12(f) or JCRCP 12(f) or a protective order entered under NRCP 26(c) or JCRCP 26(c);
- (c) The sealing or redaction is of the confidential terms of a settlement agreement of the parties; [or]
- ...
- (h) The sealing or redaction is justified or required by another identified compelling circumstance.

Id.

35. The Arbitration PO establishing the confidentiality of the arbitration records at issue in this matter constitute a ‘compelling circumstance’ under subsection SRCR 3(4)(h). The Court further finds that additional compelling circumstances exist in light of the benefits of the arbitration agreement, Nevada’s public policies concerning the public’s right to information and private arbitration, the Newspaper Preservation Act’s influence on the parties’ agreement, and this Court’s restricted review of the Arbitrator’s determinations.

36. Moreover, the Court has grave concerns about the use of a motion to vacate and/or confirm an arbitration award as a tool to transform a bargained for private dispute into a public dispute by merely filing a motion. The Court reiterates that it was not required to consider the vast majority of the materials sought to be unsealed in order to render a decision on the Sun’s motion to confirm arbitration award, in part, and to vacate or, alternatively, modify or correct the award in part. *See In re Nat’l Consumer Mortg.*, LLC, 512 B.R. 639, 641 (D. Nev. 2014) (holding that because a litigant’s proprietary algorithm “was irrelevant to the issues tried in this matter,” the “public’s right to know th[e] information as part of a court record is low.”). Furthermore, a motion to confirm or vacate an arbitration award is the statutorily required “next step” following arbitration and does not negate the parties’ right to privacy of the arbitration proceedings. NRS 38.239, 241.

37. Finally, the parties stipulated to specific confidentiality and privacy under the terms and conditions of a binding arbitration agreement; their decision consequently binds them. Accordingly, when considering the deference given to the arbitrator in *Washoe Cty. Sch. Dist. v. White*, as well as this Court’s limited mandate, the Court finds that it would be an error if it were to exceed its limited charge and expand the thrust of the Arbitration PO.

E. Modification of the State Court PO

38. Courts possess inherent authority to modify *any* interlocutory order prior to entry of final judgment. *See Valley Bank of Nevada v. Ginsburg*, 110 Nev. 440, 446, 874 P.2d 729, 733 (1994). Similarly, Rule 54(b) expressly grants this Court power to modify orders before judgment. *See Nev. R. Civ. P. 54(b)* (“any order or other decision, however designated . . . may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties' rights and liabilities.”).

39. Furthermore, Section V of the State Court PO, Modification of this Order, states: “This order may be modified by the Court at any time for good cause shown, or pursuant to a stipulated order by the parties to this action. The entry of this order shall be without prejudice to the rights of any party to apply for modification of this order or for additional or different protections.”

1 40. The Court further finds that, as a result of its present ruling herein, pursuant to
2 Section V of the State Court PO, there is good cause to modify the State Court PO. *See*
3 *Kamakana*, 447 F.3d at 1183 (recognizing modification provisions are often contained in
4 stipulated protective orders).

5 41. To the extent that the State Court PO is read to replace or expand the Arbitration
6 PO, the Arbitration PO will be shown deference. Thus, the Arbitration PO, which makes all
7 arbitration-related materials of any kind confidential, will continue to control all remaining
8 materials generated in the binding private arbitration that this Court did not rely on to fulfill its
9 limited mandate. Furthermore, the Court finds that it has already made public the relevant and
10 limited parts of the record that were required to render its decision in this matter in its
11 December 4, 2019, Minute Order. All other arbitration-related records shall remained sealed.

12 **III.**
13 **ORDER**

14 42. ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED
15 that Defendant News+Media Capital Group LLC's and Defendant/Counterclaimant Las Vegas
16 Review-Journal, Inc.'s Motion to Seal All Materials Generated in the Private Arbitration is
17 GRANTED.

18 43. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that each of the
19 Court's findings of fact is to be considered a conclusion of law, and each of the Court's
20 conclusions of law are to be considered as a finding of fact, as may be necessary or appropriate
21 to carry out this Order.

22 44. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the following
23 motions to seal are hereby GRANTED and the Clerk of the Court is instructed that all
24 documents filed under seal with these motions shall remain sealed:

- 25 a. 9/9/19 Sun's Motion for Leave to File Documents Under Seal [Exhibits 6-10, 15-
26 17, 20-21, and 22 of Opposition to Defendants' Motion for Leave to Amend
27 Answer and Assert Counterclaim and Portions of Opposition];
28

- b. 9/13/19 Sun’s Motion for Leave to File Documents Under Seal [Volumes 2-17 of Sun’s Motion to Confirm Arbitration Award and Motion to Confirm Arbitration Award];
 - c. 9/18/19 Defendants’ Motion for Leave to File Documents Under Seal [Exhibits B and C to Defendants’ Motion to Vacate Arbitration Award and Portions of Motion to Vacate];
 - d. 9/30/19 Defendants’ Motion to Seal [Defendants’ Opposition to Plaintiff’s Motion to Confirm Arbitration Award and Conditional Countermotion, including Exhibits A-K];
 - e. 9/30/19 Sun’s Motion for Leave to File Documents Under Seal [The Sun’s Opposition and Exhibits to Defendants’ Motion to Vacate Arbitration Award];
 - f. 10/11/19 Defendants’ Motion for Leave to File Documents Under Seal [Exhibits E-H to Defendants’ Reply in Support of Motion to Vacate Arbitration Award and Portions of the Reply];
 - g. 10/11/19 Sun’s Motion for Leave to File Documents Under Seal [Exhibits 3-6 to Reply in support of Sun’s Motion to Confirm Arbitration Award and References Thereto];
 - h. 11/18/19 Sun’s Motion for Leave to File Documents Under Seal [Exhibits 7 and 9 to Sun’s Reply in Support of Motion to Dismiss Counterclaims, etc. and References Thereto];
 - i. 12/2/19 Sun’s Motion for Leave to File Documents Under Seal [Exhibits 5, 7, and 9 to Sun’s Opposition to Defendants’ Emergency Motion to Stay Case, etc. and References Thereto]; and
 - j. 3/4/20 Defendants’ Motion for Leave to File Under Seal [Exhibits 9–10 to Reply in Support of Motion to Seal All Materials Generated in the Private Arbitration].
45. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the following motion seeking to unseal the parties’ private arbitration materials is hereby DENIED and the

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Clerk of the Court is instructed that all documents sought to be unsealed with this motion shall remain sealed: 3/25/20 Sun's Motion for Leave to Unseal the Sun's Supplemental Opposition to Defendants' Motion to Seal All Documents Generated in the Private Arbitration.

46. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff Las Vegas Sun, Inc.'s requests to unseal filings related to the above-referenced motions are hereby DENIED.

47. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that News+Media Capital Group LLC's and Las Vegas Review-Journal, Inc.'s Motion to Modify Protective Order on Order Shortening Time is hereby GRANTED. The Court will give deference to the Arbitration Protective Order, dated February 8, 2019, and the Arbitration Protective Order will continue to control all remaining materials generated in the binding private arbitration.

IT IS SO ORDERED.

Dated this 22nd day of May, 2020.


The Honorable Timothy C. Williams

CG

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