

IN THE SUPREME COURT OF THE STATE OF NEVADA

SPECIAL ADMINISTRATOR
SHALONDA MOLLETTE, AN
INDIVIDUAL, IN PLACE AND STEAD
OF JOE N. BROWN,

Appellant,

vs.

GNL, CORP., A NEVADA
CORPORATION, AND
THYSSENKRUPP ELEVATOR
CORP.,
A FOREIGN CORPORATION,

Respondents.

SPECIAL ADMINISTRATOR
SHALONDA MOLLETTE, AN
INDIVIDUAL, IN PLACE AND STEAD
OF JOE N. BROWN,

Appellant,

vs.

GNL, CORP., A NEVADA
CORPORATION, AND
THYSSENKRUPP ELEVATOR
CORP.,
A FOREIGN CORPORATION,

Respondents.

No. 80581

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APPENDIX TO APPELLANT'S OPENING BRIEF
VOLUME 2

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Dated June 10, 2022.

Respectfully submitted,

IQBAL LAW PLLC

By: /s/ Mohamed A. Iqbal, Jr.

MOHAMED A. IQBAL, JR.

Nevada Bar No. 10623

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Las Vegas, NV 89148

Attorneys for Appellant

CERTIFICATE OF SERVICE

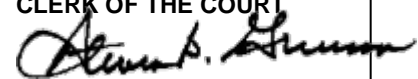
I certify that I am an employee of IQBAL LAW PLLC and that on June 10, 2022, I caused a true and correct copy of the **APPENDIX TO APPELLANT’S OPENING BRIEF VOLUME 2** to be served as follows:

___ By placing the same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and/or

___ Pursuant to NEFCR 9, to be sent via facsimile; and/or

X Pursuant to NEFCR 9, by transmitting via the Court’s electronic filing services by the document(s) listed above to the Counsel set forth on the service list.

/s/ Marie-Claire Alsanjakli
An Employee of **IQBAL LAW PLLC**



MOT
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Attorney for Defendants
GNL, CORP., GOLDEN NUGGET, INC.
and LANDRY'S, INC.

DISTRICT COURT
CLARK COUNTY, NEVADA

* * *

JOE N. BROWN, an individual, and his Wife,
NETTIE J. BROWN, an individual,
Plaintiffs,

vs.

LANDRY'S, INC., a foreign corporation;
GOLDEN NUGGET, INC. a Nevada
corporation, d/b/a GOLDEN NUGGET
LAUGHLIN; GNL, CORP., a Nevada
corporation; DOE INDIVIDUALS 1-100,
ROE BUSINESS ENTITIES 1-100,

Defendants.

GNL, CORP., a Nevada corporation;

Third-Party Plaintiff,

vs.

Thyssenkrupp Elevator Corporation, a Foreign
Corporation; DOES 1-75; ROE
CORPORATIONS 1-75; DOE ESCALATOR
INSTALLER; DOE ESCALATOR
MANUFACTURER; DOE ESCALATOR
MAINTENANCE SUBCONTRACTOR; and
ROE CORPORATIONS 1-25

Third-Party Defendants

CASE NO.: A-16-739887-C
DEPT. NO.: XXXI

**DEFENDANTS GOLDEN NUGGET,
INC. AND LANDRYS, INC.'S
MOTION FOR RECONSIDERATION**

Date: 09/01/17

Time: In Chambers

///

COME NOW Defendants GOLDEN NUGGET, INC. (hereinafter “GNI”) and LANDRY’S, INC. (hereinafter “Landry’s”) (hereinafter collectively “Defendants”) by and through their counsel of record, Annalisa N. Grant, Esq. of Grant & Associates, and hereby submit the following Motion for Reconsideration of the District Court’s Order Denying Defendants’ Motion for Summary Judgment and Granting Plaintiff’s Countermotion for Discovery under NRCP 56(f). This Motion is based upon the attached Memorandum of Points and Authorities, the pleadings and papers on file herein, and any oral argument permitted at the hearing of this matter.

DATED this 1st day of August, 2017.

GRANT & ASSOCIATES

/s/ Annalisa N. Grant, Esq.

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Attorney for Defendants
GNL, CORP., GOLDEN NUGGET, INC. and
LANDRY’S, INC.

NOTICE OF MOTION

TO: ALL PARTIES and THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that counsel for Defendants will bring the foregoing Motion on for hearing before the above-entitled Court on the 01 day of September, 2017, at the hour of In Chambers _____.m. or as soon thereafter as counsel may be heard.

DATED this 1st day of August, 2017.

GRANT & ASSOCIATES

/s/ Annalisa N. Grant, Esq.

ANNALISA N. GRANT, ESQ.
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 As the Court is aware, Defendants GNI and Landry's previously filed a Motion for
4 Summary Judgment of Plaintiffs' claims as these entities are not proper parties to this law suit.
5 Defendants' Motion was denied on the basis that NRCP 7.1 disclosures had not yet been filed
6 on behalf of the parties and because a typographical error was found in the body of three of
7 Plaintiffs' Interrogatories when responses were prepared on behalf of GNI and Landry's.

8 On June 30, 2017, GNI and Landry's filed and served their respective NRCP 7.1
9 disclosures, and on July 10, 2017, both parties re-served verified Interrogatory responses on
10 Plaintiffs with the typographical errors corrected. (*See*, NRCP 7.1 disclosures, true and correct
11 copies are attached hereto as Exhibit "A," and verified corrected Interrogatory Responses, true
12 and correct copies are attached hereto as Exhibit "B.") Each party's response to the
13 Interrogatories in question remained unchanged as the typographical errors were found only in
14 the text of Plaintiffs' request. Accordingly, Defendants now submit the instant Motion for
15 Reconsideration.

16 **II. STATEMENT OF FACTS**

17 This action involves an incident that occurred on the escalator at the Golden Nugget
18 Laughlin Resort and Casino on May 12, 2015 (the property is hereinafter referred to as
19 "Laughlin Nugget" in conformity with the naming conventions of the First Amended
20 Complaint). Plaintiff named GNL, Corp. ("GNL"), Golden Nugget, Inc. ("GNI"), and Landry's,
21 Inc. ("Landry's") as defendants and alleged that they "collectively" own and operate the
22 Laughlin Nugget.

23 GNL initially appeared in the action and advised Plaintiffs that it was the only correct
24 entity responsible for the ownership and operation of the Laughlin Nugget. An open extension
25 was granted by Plaintiffs while the issue of the proper entities was sorted out. Since that time,
26 GNL has admitted to owning and operating the subject location as evidenced by its admission of
27 the issue in its answer to Plaintiff's Complaint:

28 Answering Paragraph 4 of Plaintiffs Amended Complaint, GNL, Corp.'s admits that it
owns and operates a resort hotel called the Golden Nugget Laughlin. Defendant denies

the remaining allegations contained in this Paragraph.
See, Answer to First Amended Complaint at 2:1-3.

On April 19, 2017, Plaintiffs served Interrogatories on GNI and Landry's. Verified responses to Plaintiffs' Interrogatories were served on behalf of both defendants on May 22, 2017. However, as is noted above, the text of Plaintiffs' Interrogatories contained the following typographical errors:

1. Interrogatory No. 1: GNI added "and/or control."
2. Interrogatory No. 3: Landry's removed an extra comma.
3. Interrogatory No. 6: Landry's added a space and changed "of more" to "or more."

As is noted above, on July 10, 2017, GNI and Landry's both served verified, corrected responses to Plaintiffs' Interrogatories correcting the typographical mistakes in the body of Plaintiffs' requests that are noted above. The parties' responses remained unchanged – that GNL was the only entity that owned or operated the Laughlin Nugget, as exhaustively discussed in the original Motion.

Because neither GNI nor Landry's own, operate, or control the Laughlin Nugget, there is no legal basis for which Plaintiffs may maintain a lawsuit against either entity. Nevada law is clear that a relationship between entities, such as common ownership or a parent/subsidiary relationship is not sufficient to maintain a lawsuit absent some additional basis. Accordingly, summary judgment is warranted in favor of both moving Defendants.

III. LAW AND ARGUMENT

A. RECONSIDERATION IS WARRANTED

Eighth Judicial District Court Rule 2.24 permits this Court to reconsider a matter that was previously decided. *See*, EDCR 2.24. A motion for rehearing is proper when "new issues of fact or law are raised supporting a ruling contrary to the ruling already reached[.]" *Moore v. Las Vegas*, 92 Nev. 402, 405 (1976); *accord*, *Thomas v. Hardwick*, 231 P.3d 1111, 1121 (2010).

As is noted above, rehearing is warranted as Defendants have now filed their respective NRCP 7.1 disclosures and have served verified Interrogatory responses with the typographical error corrected. Accordingly, Defendants respectfully request that the District Court reconsider

its decision, and grant Defendant's Motion for Summary Judgment.

DATED this 1st day of August, 2017.

GRANT & ASSOCIATES

/s/ Annalisa N. Grant, Esq.

ANNALISA N. GRANT, ESQ.
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CERTIFICATE OF SERVICE

I certify that I am an employee of GRANT & ASSOCIATES and that on this 1st day of August, 2017, I served a true and correct copy of the foregoing **DEFENDANTS GOLDEN NUGGET, INC. AND LANDRYS, INC.'S MOTION FOR RECONSIDERATION** by serving as follows:

 x Through the Court authorized electronic mail to all parties listed on the master service pursuant to Administrative Order 14-2 and Rule 9 of the NEFCR;

 depositing said document(s) with the U.S. Postal Service;

addressed to the following person(s) at the address(es) listed below:

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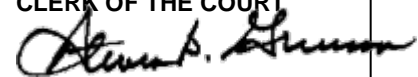
/s/ Diana Smith

An Employee of
GRANT & ASSOCIATES

EXHIBIT A

EXHIBIT A

JNB00226



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GNL, CORP., GOLDEN NUGGET, INC.
and LANDRY'S, INC.

DISTRICT COURT
CLARK COUNTY, NEVADA

* * *

JOE N. BROWN, an individual, and his Wife,
NETTIE J. BROWN, an individual,
Plaintiffs,

vs.

LANDRY'S, INC., a foreign corporation;
GOLDEN NUGGET, INC. a Nevada
corporation, d/b/a GOLDEN NUGGET
LAUGHLIN; GNL, CORP., a Nevada
corporation; DOE INDIVIDUALS 1-100,
ROE BUSINESS ENTITIES 1-100,

Defendants.

GNL, CORP., a Nevada corporation;

Third-Party Plaintiff,

vs.

Thyssenkrupp Elevator Corporation, a Foreign
Corporation; DOES 1-75; ROE
CORPORATIONS 1-75; DOE ESCALATOR
INSTALLER; DOE ESCALATOR
MANUFACTURER; DOE ESCALATOR
MAINTENANCE SUBCONTRACTOR; and
ROE CORPORATIONS 1-25

Third-Party Defendants

CASE NO.: A-16-739887-C
DEPT. NO.: XXXI

DEFENDANT GNL, CORP.'S
NRCP 7.1 DISCLOSURE
STATEMENT

///

DEFENDANT GNL, CORP.'S NRCP 7.1 DISCLOSURE STATEMENT

Defendant GNL, CORP., by and through its attorneys, the law office of Grant & Associates, hereby provides its disclosure statement as required pursuant to Nevada Rules of Civil Procedure 7.1.

GNL, CORP.'s parent corporation is Golden Nugget, Inc. No publicly held corporation owns 10% or more of its stock.

WHEREFORE, the aforesaid Defendant, GNL, CORP., by and through its undersigned counsel, respectfully submits its Disclosure Statement as required pursuant to NRCP 7.1.

DATED this 30th day of June, 2017.

GRANT & ASSOCIATES

/s/ Annalisa N. Grant, Esq.

ANNALISA N. GRANT, ESQ.
Nevada Bar No. 11807
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Annalisa.Grant@aig.com

Attorney for Defendants
GNL, CORP., GOLDEN NUGGET, INC. and
LANDRY'S, INC.

CERTIFICATE OF SERVICE

I certify that I am an employee of GRANT & ASSOCIATES and that on this 30th day of June, 2017, I served a true and correct copy of the foregoing **DEFENDANT GNL, CORP.'S NRCP 7.1 DISCLOSURE STATEMENT** by serving as follows:

 x Through the Court authorized electronic mail to all parties listed on the master service pursuant to Administrative Order 14-2 and Rule 9 of the NEFCR;

 depositing said document(s) with the U.S. Postal Service;

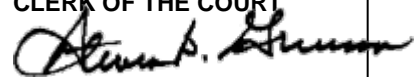
addressed to the following person(s) at the address(es) listed below:

Mohamed A. Iqbal, Jr., Esq.
Christopher Mathews, Esq.
101 Convention Center Drive, Suite 1175
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Ph: 702-750-2950
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Attorney for Plaintiffs

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Attorney for Thyssenkrupp Elevator Corporation

/s/ Diana Smith

An Employee of
GRANT & ASSOCIATES



DSST
ANNALISA N. GRANT, ESQ.
Nevada Bar No. 11807
GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
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Annalisa.Grant@aig.com

Attorney for Defendants
GNL, CORP., GOLDEN NUGGET, INC.
and LANDRY'S, INC.

DISTRICT COURT
CLARK COUNTY, NEVADA

* * *

JOE N. BROWN, an individual, and his Wife,
NETTIE J. BROWN, an individual,
Plaintiffs,

vs.

LANDRY'S, INC., a foreign corporation;
GOLDEN NUGGET, INC. a Nevada
corporation, d/b/a GOLDEN NUGGET
LAUGHLIN; GNL, CORP., a Nevada
corporation; DOE INDIVIDUALS 1-100,
ROE BUSINESS ENTITIES 1-100,

Defendants.

GNL, CORP., a Nevada corporation;

Third-Party Plaintiff,

vs.

Thyssenkrupp Elevator Corporation, a Foreign
Corporation; DOES 1-75; ROE
CORPORATIONS 1-75; DOE ESCALATOR
INSTALLER; DOE ESCALATOR
MANUFACTURER; DOE ESCALATOR
MAINTENANCE SUBCONTRACTOR; and
ROE CORPORATIONS 1-25

Third-Party Defendants

CASE NO.: A-16-739887-C
DEPT. NO.: XXXI

**DEFENDANT GOLDEN NUGGET,
INC.'S NRCP 7.1 DISCLOSURE
STATEMENT**

///

DEFENDANT GOLDEN NUGGET, INC.'S NRCP 7.1 DISCLOSURE STATEMENT

Defendant Golden Nugget, Inc., by and through its attorneys, the law office of Grant & Associates, hereby provides its disclosure statement as required pursuant to Nevada Rules of Civil Procedure 7.1.

Golden Nugget, Inc.'s parent corporation is Landry's Gaming, Inc. No publicly held corporation owns 10% or more of its stock.

WHEREFORE, the aforesaid Defendant, GOLDEN NUGGET, INC., by and through its undersigned counsel, respectfully submits its Disclosure Statement as required pursuant to NRCP 7.1.

DATED this 30th day of June, 2017.

GRANT & ASSOCIATES

/s/ Annalisa N. Grant, Esq.

ANNALISA N. GRANT, ESQ.
Nevada Bar No. 11807
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Annalisa.Grant@aig.com

Attorney for Defendants
GNL, CORP., GOLDEN NUGGET, INC. and
LANDRY'S, INC.

CERTIFICATE OF SERVICE

I certify that I am an employee of GRANT & ASSOCIATES and that on this 30th day of June, 2017, I served a true and correct copy of the foregoing **DEFENDANT GOLDEN NUGGET, INC.'S NRCP 7.1 DISCLOSURE STATEMENT** by serving as follows:

 x Through the Court authorized electronic mail to all parties listed on the master service pursuant to Administrative Order 14-2 and Rule 9 of the NEFCR;

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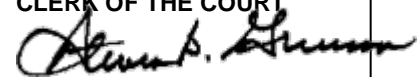
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rmastrangelo@rmcmlaw.com
Attorney for Thyssenkrupp Elevator Corporation

/s/ Diana Smith

An Employee of
GRANT & ASSOCIATES



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Annalisa.Grant@aig.com

Attorney for Defendants
GNL, CORP., GOLDEN NUGGET, INC.
and LANDRY'S, INC.

DISTRICT COURT
CLARK COUNTY, NEVADA

* * *

JOE N. BROWN, an individual, and his Wife,
NETTIE J. BROWN, an individual,
Plaintiffs,

vs.

LANDRY'S, INC., a foreign corporation;
GOLDEN NUGGET, INC. a Nevada
corporation, d/b/a GOLDEN NUGGET
LAUGHLIN; GNL, CORP., a Nevada
corporation; DOE INDIVIDUALS 1-100,
ROE BUSINESS ENTITIES 1-100,

Defendants.

GNL, CORP., a Nevada corporation;

Third-Party Plaintiff,

vs.

Thyssenkrupp Elevator Corporation, a Foreign
Corporation; DOES 1-75; ROE
CORPORATIONS 1-75; DOE ESCALATOR
INSTALLER; DOE ESCALATOR
MANUFACTURER; DOE ESCALATOR
MAINTENANCE SUBCONTRACTOR; and
ROE CORPORATIONS 1-25

Third-Party Defendants

CASE NO.: A-16-739887-C
DEPT. NO.: XXXI

DEFENDANT LANDRY'S, INC.'S
NRCP 7.1 DISCLOSURE
STATEMENT

///

DEFENDANT LANDRY'S, INC.'S NRCP 7.1 DISCLOSURE STATEMENT

Defendant Landry's, Inc., by and through its attorneys, the law office of Grant & Associates, hereby provides its disclosure statement as required pursuant to Nevada Rules of Civil Procedure 7.1.

Landry's, Inc.'s parent corporation is Fertitta Group, Inc. No publicly held corporation owns 10% or more of its stock.

WHEREFORE, the aforesaid Defendant, LANDRY'S, INC., by and through its undersigned counsel, respectfully submits its Disclosure Statement as required pursuant to NRCP 7.1.

DATED this 30th day of June, 2017.

GRANT & ASSOCIATES

/s/ Annalisa N. Grant, Esq.

ANNALISA N. GRANT, ESQ.
Nevada Bar No. 11807
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Annalisa.Grant@aig.com

Attorney for Defendants
GNL, CORP., GOLDEN NUGGET, INC. and
LANDRY'S, INC.

CERTIFICATE OF SERVICE

I certify that I am an employee of GRANT & ASSOCIATES and that on this 30th day of June, 2017, I served a true and correct copy of the foregoing **DEFENDANT LANDRY'S, INC.'S NRCP 7.1 DISCLOSURE STATEMENT** by serving as follows:

 x Through the Court authorized electronic mail to all parties listed on the master service pursuant to Administrative Order 14-2 and Rule 9 of the NEFCR;

 depositing said document(s) with the U.S. Postal Service;

addressed to the following person(s) at the address(es) listed below:

Mohamed A. Iqbal, Jr., Esq.
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Rebecca L. Mastrangelo, Esq.
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rmastrangelo@rmcmlaw.com
Attorney for Thyssenkrupp Elevator Corporation

/s/ Diana Smith

An Employee of
GRANT & ASSOCIATES

EXHIBIT B

EXHIBIT B

JNB00236

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Fax: (855) 429-3413
Annalisa.Grant@aig.com

Attorney for Defendant,
GOLDEN NUGGET, INC.

DISTRICT COURT
CLARK COUNTY, NEVADA

* * *

JOE N. BROWN, an individual, and his Wife,
NETTIE J. BROWN, an individual,
Plaintiffs,

vs.

LANDRY'S, INC., a foreign corporation;
GOLDEN NUGGET, INC. a Nevada
corporation, d/b/a GOLDEN NUGGET
LAUGHLIN; GNL, CORP., a Nevada
corporation; DOE INDIVIDUALS 1-100,
ROE BUSINESS ENTITIES 1-100,

Defendants.

CASE NO.: A-16-739887-C
DEPT. NO.: XXXI

**DEFENDANT GOLDEN NUGGET,
INC.'S CORRECTED RESPONSES
TO PLAINTIFFS' FIRST SET OF
INTERROGATORIES**

COMES NOW, Defendant GOLDEN NUGGET, INC. (hereinafter "Defendant"), by
and through its attorney, Annalisa N. Grant, Esq., of the law firm of GRANT & ASSOCIATES,
and pursuant to Rule 33, of the Nevada Rules of Civil Procedure, hereby submits its responses
to Plaintiffs' First Set of Interrogatories as follows:

GENERAL OBJECTIONS

1. This responding party objects to the Definitions and Instructions contained in
Plaintiff's First Set of Interrogatories to the extent they are inconsistent with or purport to
impose requirements for discovery that exceed the requirements of the Nevada Rules of Civil
Procedure and to the extent that such Definitions and Instructions are unduly vague and
indefinite.

...

2. This responding party objects to each Interrogatory to the extent it calls for the production for privileged information, including information protected by the attorney-client privilege, investigative privilege, consulting expert exemption, documents containing work product and documents prepared in anticipation of litigation or trial, as well as information contained within documents covered by the joint defense privilege. This responding party further objects to each interrogatory to the extent it seeks the disclosure of the identities of, or any work generated by non-testifying consulting experts retained by or at the direction of this responding party's attorneys in anticipation of preparation for this and/or other threatened or pending litigation arising out of the subject property, or in connection with the rendering of legal advice to this responding party. The restatement of any specific objection in the context of these responses shall not be construed to imply waiver of any unstated privilege objections addressed by this General Objection, or any other applicable privilege or exemption from discovery and the counterparts under the laws of any other jurisdiction that may be applicable.

3. This responding party objects to each Interrogatory to the extent that it seeks to impose a burden upon this responding party to search for documents or information in the possession, custody or control of entities other than this responding party for the reason that such is overly broad and beyond the scope of discovery allowed by the Nevada Rules of Civil Procedure. This responding party also objects to any effort to require it to search for documents or information in the possession, custody or control of unnamed entities other than this responding party, including but not limited to information in the possession, custody or control of public entities, for the reason that such is unduly burdensome, expensive, harassing and beyond the obligations imposed by the Nevada Rules of Civil Procedure.

4. This responding party objects to each Interrogatory to the extent it is overly broad, burdensome and oppressive, and seeks information neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. This responding party has performed a reasonable inquiry in search of information as required by the Nevada Rules of Civil Procedure and had made every reasonable effort to locate the information described herein, which effort has been made in good faith. This responding party cannot affirm, however, that all such information has been supplied. Although this responding party believes that all such information has been produced that is within this responding party possession and/or control, this responding party will supplement its responses in accordance with the applicable discovery rules in the event that this responding party discovers that it has inadvertently failed to provide information within its responses to these Interrogatories.

5. This responding party objects to each Interrogatory that uses language such as "each and every" or similar broad language. Such Interrogatories are onerous, burdensome, harassing, prejudicial and overly broad. Each Interrogatory asking "any" and "all" or "each and every" is objectionable and such an inquiry is, in essence, a request for evidence, and not discoverable information. Moreover, this responding party has no possible means of making all-encompassing identifications that such a broadly worded request requires.

6. This responding party is conducting a thorough and reasonable search of its records for information that may be responsive to Plaintiff's Interrogatories and is also contacting those persons who have knowledge of the location and/or existence of information that may be responsive. To the extent that Plaintiffs' Interrogatories or any portion thereof seek to require this responding party to take any actions other than those enumerated above, this

1 responding party objects to said request on the grounds that it is unduly burdensome and
2 oppressive and imposes obligations upon this responding party beyond those imposed by the
Nevada Rules of Civil Procedure.

3 7. Answers made herein are made solely for the purposes of this responding party's
4 responses to Plaintiff's First Set of Interrogatories. Each answer is subject to all objections as to
5 competence, relevance, materiality, propriety, admissibility, and all other objections and ground
6 to which the same statement would be subject if delivered through live testimony in court. All
7 such objections and grounds are expressly reserved by this responding party and may be
interposed at the time of trial or in conjunction with other uses of these responses or the material
produced, except as explicitly stated.

8 For any inspection and production that occurs in this case, this responding party
9 specifically reserves the right to certain maintained privilege objections as to any privileged
10 information that may be inadvertently produced in response to Plaintiff's Interrogatories.
11 Further, this responding party expects that Plaintiff and Plaintiff's counsel will return any
inadvertently produced document containing attorney-client communications, attorney work
product, or otherwise privileged information immediately.

12 **INTERROGATORY NO. 1:**

13 If YOUR answer to Request for Admission No. 1 of Plaintiffs' First Set of Requests for
14 Admissions to Defendant Golden Nugget, Inc. was anything other than an unqualified
15 admission, DESCRIBE the process by which YOU divested YOURSELF of ownership and/or
16 operation of the Golden Nugget hotel, casino, and entertainment resort in Laughlin, Nevada,
17 including without limitation the dates the divestiture took place and the PERSON to whom you
18 divested such ownership and/or operation.

19 **RESPONSE TO INTERROGATORY NO. 1:**

20 OBJECTION: This Interrogatory is vague, overly broad as it is not limited to alleged
21 incident, lacks foundation, assumes facts not in evidence, irrelevant, seeks confidential and
22 proprietary information and not reasonably calculated to lead to the discovery of admissible
23 evidence. OBJECTION: This Interrogatory seeks to discovery information protected by the
24 attorney/client privilege and/or the work product doctrine.

25 Subject to and without waiving the foregoing objections, this answering Defendant
26 responds as follows: Golden Nugget, Inc. is a holding company that owns the outstanding stock
27 of, among other companies, GNL, CORP. Golden Nugget, Inc. does not directly own, control,
28 or operate the Golden Nugget Hotel and Casino in Laughlin Nevada. As detailed in GNL,

CORP.'s answer and discovery responses, GNL, CORP. is the only entity that owns, operates and controls the Golden Nugget in Laughlin, Nevada.

INTERROGATORY NO. 2:

IDENTIFY all properties and/or entities for which you claim to be "a holding company" as stated in Defendants' Motion to Dismiss at 3:19-21, including without limitation the name(s) of each property and/or entity you claim to hold, the means by which you claim to hold said properties and/or entities, and the beneficial owner for whom you claim to hold said properties and/or entities.

RESPONSE TO INTERROGATORY NO. 2:

OBJECTION: This Interrogatory is vague, overly broad as it is not limited to alleged incident and is not limited in time, lacks foundation, assumes facts not in evidence, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. FURTHER OBJECTION: This Interrogatory seeks confidential and/or proprietary information potentially protected by attorney-client and/or attorney-work product privilege.

Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: Golden Nugget, Inc. is a holding company that owns the outstanding stock of GNLV, CORP; GNL, CORP.; LGE, Inc.; GNLC Holdings, Inc.; and 20% of Texas Gaming, LLC.

INTERROGATORY NO. 3:

IDENTIFY YOUR parent corporation, if any, and any publicly held corporation owning ten per cent (10%) or more of YOUR stock.

RESPONSE TO INTERROGATORY NO. 3:

Golden Nugget, Inc.'s parent company is Landry's Gaming, Inc. and no publicly held corporation owns 10% or more of Golden Nugget, Inc.'s stock.

INTERROGATORY NO. 4:

DESCRIBE YOUR "corporate relationship" to GNL, Corp., referred to in Defendants' Motion to Dismiss at 6:26-28.

...

RESPONSE TO INTERROGATORY NO. 4:

OBJECTION: This Interrogatory is vague, overly broad as it is not limited in temporal scope or alleged incident, unduly burdensome, lacks foundation, assumes facts not in evidence, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

FURTHER OBJECTION: This Interrogatory seeks confidential and/or proprietary information potentially protected by attorney-client and/or attorney-work product privilege.

Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: Golden Nugget, Inc. is a holding company that owns the outstanding stock of, among other companies, GNL, CORP. Golden Nugget, Inc. does not directly or indirectly, manage or operate GNL, Corp. All day-to-day activities relating to the operation and management are conducted by GNL, Corp. employees.

DATED this 10th day of July, 2017.

GRANT & ASSOCIATES

/s/ Annalisa N. Grant, Esq.

ANNALISA N. GRANT, ESQ.
Nevada Bar No. 11807
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113

Attorney for Defendant,
GOLDEN NUGGET, INC.

CERTIFICATE OF SERVICE

I certify that I am an employee of GRANT & ASSOCIATES and that on this 10th day of July, 2017, I served a true and correct copy of the foregoing **DEFENDANT GOLDEN NUGGET, INC.'S CORRECTED RESPONSES TO PLAINTIFFS' FIRST SET OF INTERROGATORIES** by serving as follows:

☒ Through the Court authorized electronic mail to all parties listed on the master service pursuant to Administrative Order 14-2 and Rule 9 of the NEFCR;

☐ Depositing said document(s) with the U.S. Postal Service;

addressed to the following person(s) at the address(es) listed below:

Mohamed A. Iqbal, Jr., Esq.
Christopher Mathews, Esq.
101 Convention Center Drive, Suite 1175
Las Vegas, NV 89109
Ph: 702-750-2950
Fax: 702-825-2841
mal@llawlv.com
Attorney for Plaintiffs

/s/ Diana Smith

An Employee of
GRANT & ASSOCIATES

VERIFICATION

STATE OF Texas)
) ss
COUNTY OF Harris)

I, Steve Scheinthal, being first duly sworn, under oath, upon penalties of perjury, deposes and states:

That I am Vice President for GOLDEN NUGGET, INC. and am an authorized representative of Defendant in this matter, and I have read the above and foregoing, **DEFENDANT GOLDEN NUGGET, INC.'S CORRECTED RESPONSES TO PLAINTIFFS' FIRST SET OF INTERROGATORIES**, and that the responses were formed based on the knowledge of the company, its employees/agents and available documents known at the time of the responses.


FURTHER AFFIANT SAYETH NAUGHT.

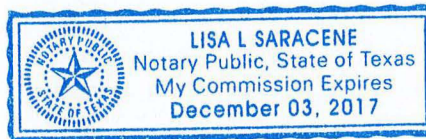
DATED this 7th day of July, 2017.


GOLDEN NUGGET, INC. Authorized Agent

SUBSCRIBED and SWORN to before me

This 7 day of July, 2017.


NOTARY PUBLIC
For said County and State



JNB00243

Grant & Associates
7455 Arroyo Crossing Parkway, Suite 300
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Annalisa.Grant@aig.com

Attorney for Defendant,
LANDRY'S, INC.

DISTRICT COURT
CLARK COUNTY, NEVADA

* * *

JOE N. BROWN, an individual, and his Wife,
NETTIE J. BROWN, an individual,
Plaintiffs,

vs.

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LAUGHLIN; GNL, CORP., a Nevada
corporation; DOE INDIVIDUALS 1-100,
ROE BUSINESS ENTITIES 1-100,

Defendants.

CASE NO.: A-16-739887-C
DEPT. NO.: XXXI

DEFENDANT LANDRY'S, INC.'S
CORRECTED RESPONSES TO
PLAINTIFFS' FIRST SET OF
INTERROGATORIES

COMES NOW, Defendant LANDRY'S, INC. (hereinafter "Defendant"), by and through
its attorney, Annalisa N. Grant, Esq., of the law firm of GRANT & ASSOCIATES, and
pursuant to Rule 33, of the Nevada Rules of Civil Procedure, hereby submits its responses to
Plaintiffs' First Set of Interrogatories as follows:

GENERAL OBJECTIONS

1. This responding party objects to the Definitions and Instructions contained in
Plaintiff's First Set of Interrogatories to the extent they are inconsistent with or purport to
impose requirements for discovery that exceed the requirements of the Nevada Rules of Civil
Procedure and to the extent that such Definitions and Instructions are unduly vague and
indefinite.

///

2. This responding party objects to each Interrogatory to the extent it calls for the production for privileged information, including information protected by the attorney-client privilege, investigative privilege, consulting expert exemption, documents containing work product and documents prepared in anticipation of litigation or trial, as well as information contained within documents covered by the joint defense privilege. This responding party further objects to each interrogatory to the extent it seeks the disclosure of the identities of, or any work generated by non-testifying consulting experts retained by or at the direction of this responding party's attorneys in anticipation of preparation for this and/or other threatened or pending litigation arising out of the subject property, or in connection with the rendering of legal advice to this responding party. The restatement of any specific objection in the context of these responses shall not be construed to imply waiver of any unstated privilege objections addressed by this General Objection, or any other applicable privilege or exemption from discovery and the counterparts under the laws of any other jurisdiction that may be applicable.

3. This responding party objects to each Interrogatory to the extent that it seeks to impose a burden upon this responding party to search for documents or information in the possession, custody or control of entities other than this responding party for the reason that such is overly broad and beyond the scope of discovery allowed by the Nevada Rules of Civil Procedure. This responding party also objects to any effort to require it to search for documents or information in the possession, custody or control of unnamed entities other than this responding party, including but not limited to information in the possession, custody or control of public entities, for the reason that such is unduly burdensome, expensive, harassing and beyond the obligations imposed by the Nevada Rules of Civil Procedure.

4. This responding party objects to each Interrogatory to the extent it is overly broad, burdensome and oppressive, and seeks information neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. This responding party has performed a reasonable inquiry in search of information as required by the Nevada Rules of Civil Procedure and had made every reasonable effort to locate the information described herein, which effort has been made in good faith. This responding party cannot affirm, however, that all such information has been supplied. Although this responding party believes that all such information has been produced that is within this responding party possession and/or control, this responding party will supplement its responses in accordance with the applicable discovery rules in the event that this responding party discovers that it has inadvertently failed to provide information within its responses to these Interrogatories.

5. This responding party objects to each Interrogatory that uses language such as "each and every" or similar broad language. Such Interrogatories are onerous, burdensome, harassing, prejudicial and overly broad. Each Interrogatory asking "any" and "all" or "each and every" is objectionable and such an inquiry is, in essence, a request for evidence, and not discoverable information. Moreover, this responding party has no possible means of making all-encompassing identifications that such a broadly worded request requires.

6. This responding party is conducting a thorough and reasonable search of its records for information that may be responsive to Plaintiff's Interrogatories and is also contacting those persons who have knowledge of the location and/or existence of information that may be responsive. To the extent that Plaintiffs' Interrogatories or any portion thereof seek to require this responding party to take any actions other than those enumerated above, this

1 responding party objects to said request on the grounds that it is unduly burdensome and
2 oppressive and imposes obligations upon this responding party beyond those imposed by the
Nevada Rules of Civil Procedure.

3 7. Answers made herein are made solely for the purposes of this responding party's
4 responses to Plaintiff's First Set of Interrogatories. Each answer is subject to all objections as to
5 competence, relevance, materiality, propriety, admissibility, and all other objections and ground
6 to which the same statement would be subject if delivered through live testimony in court. All
7 such objections and grounds are expressly reserved by this responding party and may be
interposed at the time of trial or in conjunction with other uses of these responses or the material
produced, except as explicitly stated.

8 For any inspection and production that occurs in this case, this responding party
9 specifically reserves the right to certain maintained privilege objections as to any privileged
10 information that may be inadvertently produced in response to Plaintiff's Interrogatories.
11 Further, this responding party expects that Plaintiff and Plaintiff's counsel will return any
inadvertently produced document containing attorney-client communications, attorney work
product, or otherwise privileged information immediately.

12 **INTERROGATORY NO. 1:**

13 If YOUR answer to Request for Admission No. 1 of Plaintiffs' First Set of Requests for
14 Admissions to Defendant Landry's Inc. was anything other than an unqualified admission,
15 DESCRIBE the process by which YOU divested YOURSELF of ownership of Golden Nugget,
16 Inc., including without limitation the dates the divestiture took place and the PERSON to whom
17 you divested such ownership.

18 **RESPONSE TO INTERROGATORY NO. 1:**

19 OBJECTION: This Interrogatory is vague, overly broad as it is not limited to alleged
20 incident, lacks foundation, assumes facts not in evidence, irrelevant, seeks confidential and
21 proprietary information and not reasonably calculated to lead to the discovery of admissible
22 evidence. OBJECTION: This Interrogatory seeks to discovery information protected by the
23 attorney/client privilege and/or the work product doctrine.

24 Subject to and without waiving the foregoing objections, this answering Defendant
25 responds as follows: On September 30, 2013, Landry's, Inc. declared a stock dividend
26 divesting of all of its shares in Landry's Gaming, Inc., including all of Landry's Gaming, Inc.'s
27 subsidiaries, which resulted in Fertitta Entertainment, Inc., owning all outstanding shares of
28

Landry's Gaming, Inc., and all of its subsidiaries. Since September 30, 2013, Landry's, Inc. neither directly nor indirectly, through one or more of its subsidiaries, owns any percent of the outstanding ownership or membership interest in Landry's Gaming, Inc., Golden Nugget, Inc. or any of Golden Nugget, Inc.'s subsidiaries.

INTERROGATORY NO. 2:

DESCRIBE each of YOUR "sporadic contacts" with the State of Nevada referenced in Defendants' Reply in Support of Motion to Dismiss at 4:16-18, from May 12, 2010, to present.

RESPONSE TO INTERROGATORY NO. 2:

OBJECTION: This Interrogatory is vague, overly broad as it is not limited to alleged incident and is not limited in time, lacks foundation, assumes facts not in evidence, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: Landry's, Inc. itself has no direct contacts with Nevada other than to update its regulatory filings and/or activities by wholly owned subsidiaries.

INTERROGATORY NO. 3:

DESCRIBE the process by which you obtained permission to add restaurants to, and upgrade the river-view rooms in, the Golden Nugget Laughlin, as described in YOUR company website on January 14, 2012.

RESPONSE TO INTERROGATORY NO. 3:

OBJECTION: This Interrogatory is vague, overly broad as it is not limited to alleged incident, lacks foundation, assumes facts not in evidence, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: As detailed in GNL, CORP.'s answer and discovery responses, GNL, CORP. is the entity that owns, operates and controls the Golden Nugget in Laughlin, Nevada. Landry's, Inc. neither directly nor indirectly, through one or more of its subsidiaries, owns any percent of the outstanding ownership or membership interest in GNL, CORP. Furthermore, Landry's, Inc. neither directly nor indirectly, through one or more of its subsidiaries, operates or

controls GNL, CORP. Landry's, Inc.'s wholly owned subsidiaries operate restaurants inside the casino.

INTERROGATORY NO. 4:

DESCRIBE the process by you obtained permission to implement "enhanced security measures, including end-to-end encryption" at the Golden Nugget Laughlin as described in YOUR company website on January 29, 2016, including without limitation the banquet service, deli, Gold Diggers nightclub, and Starbucks.

RESPONSE TO INTERROGATORY NO. 4:

OBJECTION: This Interrogatory is vague, overly broad as it is not limited to alleged incident, lacks foundation, assumes facts not in evidence, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: As detailed in GNL, CORP.'s answer and discovery responses, GNL, CORP. is the entity that owns, operates and controls the Golden Nugget in Laughlin, Nevada. Landry's, Inc., neither directly nor indirectly, through one or more of its subsidiaries, owns any percent of the outstanding ownership or membership interest in GNL, CORP. Furthermore, Landry's, Inc. neither directly nor indirectly, through one or more of its subsidiaries, operates or controls GNL, CORP. Landry's, Inc.'s wholly owned subsidiaries operate restaurants inside the casino.

INTERROGATORY NO. 5:

DESCRIBE any change to the Golden Nugget hotel, casino, and entertainment resort in Laughlin, Nevada, which YOU authorized from September 27, 2005, to present.

RESPONSE TO INTERROGATORY NO. 5:

OBJECTION: This Interrogatory is vague, overly broad as it is not limited to alleged incident, lacks foundation, assumes facts not in evidence, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: From September 27, 2005 through September 30, 2013, GNL, CORP. was

1 a wholly owned subsidiary of Golden Nugget, Inc.; Golden Nugget, Inc. was a wholly owned
2 subsidiary of Landry's Gaming, Inc.; and Landry's Gaming, Inc. was a wholly owned
3 subsidiary of Landry's, Inc. As such, Landry's, Inc. did not authorize changes to the Golden
4 Nugget Laughlin hotel, casino and entertainment resort, but merely owned the outstanding stock
5 of parent company Landry's Gaming, Inc.

6 Furthermore, since September 30, 2013, Landry's, Inc. has neither directly nor
7 indirectly, through one or more of its subsidiaries, owned any percent of the outstanding
8 ownership or membership interest in GNL, CORP. As detailed in GNL, CORP.'s answer and
9 discovery responses, GNL, CORP. is the entity that owns, operates and controls the Golden
10 Nugget in Laughlin, Nevada.

11 **INTERROGATORY NO. 6:**

12 IDENTIFY YOUR parent corporation, if any, and any publicly held corporation owning
13 ten per cent (10%) or more of YOUR stock.

14 **RESPONSE TO INTERROGATORY NO. 6:**

15 Landry's, Inc.'s parent company is Fertitta Group, Inc. No publicly held company owns
16 10% or more of Landry's, Inc. stock.

17 DATED this 10th day of July, 2017.

18 GRANT & ASSOCIATES

19 /s/ Annalisa N. Grant, Esq.

20 _____
21 ANNALISA N. GRANT, ESQ.

22 Nevada Bar No. 11807

23 7455 Arroyo Crossing Parkway, Suite 300

24 Las Vegas, Nevada 89113

25 Attorney for Defendant,

26 LANDRY'S, INC.

CERTIFICATE OF SERVICE

I certify that I am an employee of GRANT & ASSOCIATES and that on this 10th day of July, 2017, I served a true and correct copy of the foregoing **DEFENDANT LANDRY'S, INC.'S CORRECTED RESPONSES TO PLAINTIFFS' FIRST SET OF INTERROGATORIES** by serving as follows:

☒ Through the Court authorized electronic mail to all parties listed on the master service pursuant to Administrative Order 14-2 and Rule 9 of the NEFCR;

☐ Depositing said document(s) with the U.S. Postal Service;

addressed to the following person(s) at the address(es) listed below:

Mohamed A. Iqbal, Jr., Esq.
Christopher Mathews, Esq.
101 Convention Center Drive, Suite 1175
Las Vegas, NV 89109
Ph: 702-750-2950
Fax: 702-825-2841
mal@llawlv.com
Attorney for Plaintiffs

/s/ Diana Smith

An Employee of
GRANT & ASSOCIATES

VERIFICATION

STATE OF TEXAS)
COUNTY OF HARRIS) ss

I, Steve Scheinthal, being first duly sworn, under oath, upon penalties of perjury, deposes and states:

That I am Executive Vice President and General Counsel for LANDRY'S, INC., and am an authorized representative of Defendant in this matter, and I have read the above and foregoing, **DEFENDANT LANDRY'S, INC.'S CORRECTED RESPONSES TO PLAINTIFFS' FIRST SET OF INTERROGATORIES**, and that the responses were formed based on the knowledge of the company, its employees/agents and available documents known at the time of the responses.

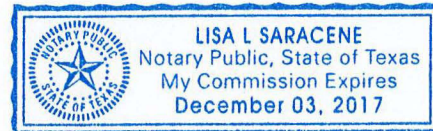
FURTHER AFFIANT SAYETH NAUGHT.

DATED this 7th day of July, 2017.

[Signature]
LANDRY'S, INC. Authorized Agent

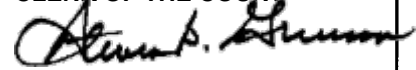
SUBSCRIBED and SWORN to before me

This 7 day of July, 2017.



[Signature]
NOTARY PUBLIC
For said County and State

JNB00251



OPPM

IQBAL LAW PLLC

Mohamed A. Iqbal, Jr. (NSB #10623)

Christopher Mathews (NSB #10674)

101 Convention Center Dr., Suite 1175

Las Vegas, Nevada 89109

1-(702) 750-2950 (Tel)

1-(702) 825-2841 (V-Fax)

info@ilawlv.com

Attorneys for Plaintiff Joe N. Brown and Nettie J. Brown

**DISTRICT COURT
CLARK COUNTY, NEVADA**

JOE N. BROWN, an individual, and his Wife,
NETTIE J. BROWN, an individual

Plaintiffs,

vs.

LANDRY'S, INC., a foreign corporation;
GOLDEN NUGGET, INC, a Nevada
corporation, d/b/a GOLDEN NUGGET
LAUGHLIN; GNL, CORP.; DOE
INDIVIDUALS 1-100; ROE BUSINESS
ENTITIES 1-100,

Defendants.

AND ASSOCIATED CASES

Case No.: A-16-739887-C

Dept. No.: XXXI

**PLAINTIFFS' OPPOSITION TO
DEFENDANTS GOLDEN NUGGET, INC.
AND LANDRYS, INC.'S (sic) MOTION
FOR RECONSIDERATION**

Date: September 1, 2017

Time: In chambers

Plaintiffs Joe N. Brown and Nettie J. Brown ("Plaintiffs"), by and through their attorneys of record, the law office of Iqbal Law PLLC, hereby oppose Defendants Golden Nugget, Inc. and Landrys, Inc.'s (sic) Motion for Reconsideration (the "Motion") and respectfully request that the Court deny said Motion. This Opposition is based on the applicable pleadings and records of this case and the attached Memorandum of Points and Authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION.

The docket in this case, unfortunately, has been clogged with *multiple failed attempts* by corporate defendants clamoring to be removed from this case, on the same flawed and

**PLAINTIFFS' OPPOSITION TO DEFENDANTS GOLDEN NUGGET, INC. AND
LANDRYS, INC.'S (sic) MOTION FOR RECONSIDERATION**

1 repeatedly-rejected bases; first, this Court denied defendants' motion to dismiss on March 28,
2 2017, and then this Court denied defendants' motion for summary judgment on June 27, 2017;
3 and, here, we have a third try in this Motion.

4 As the Court is aware, this is a case in which an elderly veteran of the U.S. Armed Forces
5 seeks compensation for the severe and debilitating injuries he suffered on the premises of the
6 multi-million-dollar Golden Nugget resort hotel and casino in Laughlin, Nevada ("Laughlin
7 Nugget"). Landry's Inc. ("Landry's") and Golden Nugget, Inc. ("GNI") (collectively,
8 "Defendants") are corporate entities which have at various times and in various fora publicly
9 asserted they own, operate, and/or control the Laughlin Nugget. In a vain attempt to avoid
10 liability in this case, Landry's and GNI have sought to repudiate their prior statements by arguing
11 that their co-defendant, GNL, Corp. ("GNL") is the only true owner/operator of the Laughlin
12 Nugget. To date, however, *Defendants have failed to make any required Rule 16.1 disclosures,*
13 *have produced no documents whatsoever* in response to Plaintiffs' document requests, and have
14 *provided only vague and evasive non-responsive answers* to Plaintiffs' interrogatories. It is
15 clear at this point that Defendants are attempting to hide the ball.¹ The Court should not permit
16 them to do so.

17 II. HISTORY.

18 Defendants were served more than a year ago, in July 2016. As noted in the Declaration
19 of Mohamed A. Iqbal, Jr. in Support of Plaintiffs' Opposition to Defendants' Motion for
20 Summary Judgment and, in the Alternative, Request for Discovery Under Nev. R. Civ. P. 56(f)
21 filed June 7, 2017 ("Iqbal June Decl."), Defendants' counsel initially approached him informally,
22 suggesting that Defendants were not proper parties. Plaintiffs, also informally, asked for
23 evidence supporting Defendants' position; but received nothing in return. Iqbal June Decl. ¶ 2.

24
25
26 ¹ It is also clear that Defendants have no qualms doing so via ineffectual, burdensome,
27 and repetitive motion practice.

1 Eventually, Plaintiffs served three-day notices on Defendants, who responded by filing a motion
2 to dismiss, which this Court denied by order entered April 25, 2017.

3 Plaintiffs next served Defendants with limited discovery regarding Defendants'
4 contention that they are not involved in running the Laughlin Nugget. Defendants responded
5 with evasive, non-responsive interrogatory responses and total stonewalling with respect to
6 documents. Iqbal June Decl. ¶ 3. For example: Plaintiffs' Interrogatory No. 3 asked Landry's
7 to describe the process by which it obtained permission to add restaurants to, and upgrade the
8 river-view rooms in, the Laughlin Nugget, as described in the Landry's company website in
9 2012. Iqbal June Decl., Exhibit E. Landry's did not answer the question, providing only a rote
10 assertion that it presently does not own or operate *its co-defendant GNL*. This, of course, is not
11 what was asked. Similarly, in Interrogatory No. 4, Plaintiffs asked Landry's how it obtained
12 permission to install the "enhanced security measures, including end-to-end encryption" at the
13 Laughlin Nugget, as described in its public statements in 2016. Landry's answer was identical to
14 its answer to Interrogatory No. 3 – *i.e.*, a boilerplate denial of ownership and operation of GNL,
15 which was not the question asked. It can be inferred from Landry's clumsy evasions that it did
16 not obtain permission because it did not need to, because it owned and controlled the premises.

17 Although Landry's contends it divested itself of ownership of GNI (which had previously
18 claimed in Securities and Exchange Commission filings to be owned by Landry's, and also to
19 own and operate the Laughlin Nugget), Landry's produced nothing in response to Plaintiffs'
20 document requests seeking, *inter alia*, documents concerning the supposed divestiture. Iqbal
21 June Decl. Exhibit F, Plaintiffs' Request for Production No. 1. Similarly, when asked to produce
22 documents regarding its corporate relationship to co-defendant GNL, referenced in its motion to
23 dismiss, Landry's likewise turned over nothing – just the cryptic comment "As such, none." *Id.*,
24 Request for Production No. 5. In fact, ***Landry's never produced a single document in response***
25 ***to any discovery, never provided a privilege log, and did not even made the disclosures***
26 ***required by Rule 16.1.*** Iqbal June Decl. ¶¶ 3, 5.

GNI's interrogatory responses were similarly deficient. For example, in Interrogatory No. 1 to GNI, Plaintiffs asked GNI to describe how it divested itself of the "ownership and/or operation" of the Laughlin Nugget touted by GNI in its SEC filings. Iqbal June Decl. Exhibit G. Rather than answer the question posed, GNI edited it, deleting the words "and/or operation" in two separate places – and *then proceeded not to describe any divestiture process whatsoever*. Because GNI now claims not to own the Laughlin Nugget, Plaintiffs sought, in their Request for Production No. 1 to GNI, all documents concerning GNI's supposed divestiture of ownership. In response, GNI gave a one-word answer: "None," Iqbal June Decl. Exhibit H; but it is impossible to tell with certainty whether this means there are no such documents or whether they are merely being withheld. To gain better insight into the relationship between GNI and GNL, Plaintiffs' Request for Production No. 2 asked for documents relating to that relationship. Iqbal June Decl. Exhibit H. This time GNI issued the following terse reply: "No documents will be produced." *Id.* As with its co-defendant Landry's, GNI *never produced any documents in response to discovery, never provided a privilege log, and never made the disclosures required by Rule 16.1*. See *Id.* at ¶¶ 3, 5.

III. LAW AND ARGUMENT.

Although they have since corrected what they claim were typographical errors in their recitation of Plaintiffs' discovery requests, *Defendants still have not made any changes to their prior non-responsive interrogatory responses or produced any documents*. Although they have now filed the corporate disclosures required by Rule 7.1, *Landry's and GNI still have failed to make their required disclosures under Rule 16.1*. See Declaration of Mohamed A. Iqbal, Jr. in Support of Plaintiffs' Opposition to Defendants Golden Nugget, Inc. and Landrys, Inc.'s (sic) Motion for Reconsideration, attached hereto, at ¶ 2. Despite the Court's prior rulings and admonitions on the record, it is evident Defendants will not ever participate in good faith in discovery, and so a motion to compel and request for sanctions will be forthcoming.

In the meantime, however, the substantive facts have not changed: Landry's and GNI both have variously made statements to the public, the press, and the government claiming to

own and operate the Laughlin Nugget. Landry's and GNI have refused to provide any evidence demonstrating that they no longer do so, such as:

- internal correspondence;
- correspondence to vendors, business associates, and creditors;
- authorizing resolutions;
- entries in meeting minutes;
- directions to staff and other personnel regarding changes in operations; and/or
- other documents evidencing and implementing the purported change.

It may be inferred that Defendants have not produced such evidence because nothing has changed; and their documents would show that, just as alleged in Plaintiffs' pleadings, Landry's, GNI, and GNL *still* exercise ownership and control over the premises together. Reconsideration is appropriate only in those "very rare instances" in which "substantially different evidence is subsequently introduced". *Masonry and Tile Contractor v. Jolley, Urga & Wirth Ass'n*, 941 P.2d 486, 489 (Nev. 1997), *citing Moore v. City of Las Vegas*, 551 P.2d 244, 246 (Nev. 1976). No such evidence has been introduced. Thus, summary judgment *remains* inappropriate, and the Motion should be denied.


IV. CONCLUSION.

For all the foregoing reasons, Defendants Golden Nugget, Inc. and Landrys, Inc.'s (sic) Motion for Reconsideration should be denied.

Dated this 18th day of August, 2017.

Respectfully Submitted,

IQBAL LAW PLLC

By: 
Mohamed A. Iqbal, Jr. (NSB #10623)
Christopher Mathews (NSB #10674)
info@ilawlv.com

*Attorneys for Plaintiffs Joe N. Brown and
Nettie Brown*

1 **DECLARATION OF MOHAMED A. IQBAL, JR.**

2 I, MOHAMED A. IQBAL, JR., hereby declare as follows:

3 1. I am over the age of 18 and competent to testify. I am counsel of record for Plaintiffs
4 Joe N. Brown and Nettie J. Brown in the above-captioned proceeding, and make this declaration
5 subject to penalty of perjury under the laws of the United States and the State of Nevada, in
6 support of the Plaintiffs' Opposition to Defendants Golden Nugget, Inc. and Landrys, Inc.'s (sic)
7 Motion for Reconsideration, filed herewith.

8 2. Defendants Landry's, Inc. and Golden Nugget, Inc., still have not amended their
9 responses to any of Plaintiffs' interrogatories; have not produced any documents; have not
10 produced any privilege logs; and have not provided any of the disclosures required under Nev. R.
11 Civ. P. 16.1.

12 Dated this 18th day of August, 2017.

13
14 By: 

15 Mohamed A. Iqbal, Jr.
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1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I am an employee of IQBAL LAW PLLC, and that on this
3 18th day of August, 2017 I caused to be served a true and correct copy of the foregoing
4 **PLAINTIFFS' OPPOSITION TO DEFENDANTS GOLDEN NUGGET, INC. AND**
5 **LANDRYS, INC.'S (sic) MOTION FOR RECONSIDERATION** in the following manner:

6 (ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-
7 referenced document was electronically filed on the date hereof and served through the Notice of
8 Electronic Filing automatically generated by the Court's facilities to those parties listed on the
9 Court's Master Service List.

10 **Grant & Associates**

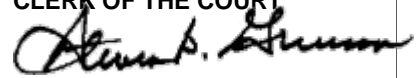
11	Contact	Email
12	Annalisa Grant	Annalisa.grant@aig.com
13		
14	Diana Smith	diana.smith@aig.com
15		
16	Lee Grant	lee.grant@aig.com
17		
18	Shannon Jory	shannon.jory@aig.com
19		
20	Sydney Basham	sydney.basham@aig.com

21 **Rogers Mastrangelo Carvalho & Mitchell**

22	Contact	Email
23	Margarita Moreno	rmcmfiling@rmcmllaw.com

24
25 /s/ Jaime Serrano, Jr.
26 An employee of IQBAL LAW PLLC

27
28 **PLAINTIFFS' OPPOSITION TO DEFENDANTS GOLDEN NUGGET, INC. AND**
LANDRYS, INC.'S (sic) MOTION FOR RECONSIDERATION



MCOM
IQBAL LAW PLLC
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Attorneys for Plaintiffs Joe N. Brown and Nettie J. Brown

**DISTRICT COURT
CLARK COUNTY, NEVADA**

JOE N. BROWN, an individual, and his Wife,
NETTIE J. BROWN, an individual

Plaintiffs,

vs.

LANDRY'S, INC., a foreign corporation;
GOLDEN NUGGET, INC, a Nevada
corporation, d/b/a GOLDEN NUGGET
LAUGHLIN; GNL, CORP.; DOE
INDIVIDUALS 1-100; ROE BUSINESS
ENTITIES 1-100,

Defendants.

Case No.: A-16-739887-C
Dept. No.: XXXI

**PLAINTIFFS' MOTION TO COMPEL
DISCOVERY FROM DEFENDANTS
LANDRY'S, INC. AND GOLDEN
NUGGET, INC.**

and

REQUEST FOR SANCTIONS

(Discovery Commissioner)

Date:

Time:

Pursuant to Nev. R. Civ. P. 37(a) and Nev. R. Civ. P. 16.1(d) and EDCR 2.34(a), Plaintiffs JOE N. BROWN and NETTIE J. BROWN (collectively, "Plaintiffs"), by and through their counsel, the law firm of Iqbal Law PLLC, hereby move to compel discovery from Defendants LANDRY'S, INC. ("Landry's") and GOLDEN NUGGET, INC. ("GNI"), and for award of their fees and costs of bringing this Motion.

///

**PLAINTIFFS' MOTION TO COMPEL DISCOVERY FROM DEFENDANTS
LANDRY'S, INC. AND GOLDEN NUGGET, INC. and
REQUEST FOR SANCTIONS**

1 of 19

JNB00259

This Motion is based on the papers and pleadings on file with the Court in this matter; the points and authorities and supporting declarations and exhibits accompanying this Motion; and on such arguments as the Court may entertain at a hearing on the Motion before the Discovery Commissioner.

Dated: August 23, 2017
IQBAL LAW PLLC

By: /s/ Mohamed A. Iqbal, Jr. (NSB #10623)
Christopher Mathews (NSB #10674)
Attorneys for Plaintiffs Joe N. Brown and Nettie J. Brown

NOTICE OF MOTION

PLEASE TAKE NOTICE that the undersigned will bring the foregoing MOTION TO COMPEL DISCOVERY FROM DEFENDANTS LANDRY'S, INC. AND GOLDEN NUGGET, INC. and REQUEST FOR SANCTIONS for hearing before the Discovery Commissioner on the 27th day of SEPTEMBER, 2017, at 9:30A.m.

Dated: August 23, 2017
IQBAL LAW PLLC

By: /s/ Mohamed A. Iqbal, Jr. (NSB #10623)
Christopher Mathews (NSB #10674)
Attorneys for Plaintiffs Joe N. Brown and Nettie J. Brown

MEMORANDUM OF POINTS AND AUTHORITIES
I. INTRODUCTION.

This is a case in which an elderly veteran of the U.S. Armed Forces seeks compensation for the severe and debilitating injuries he suffered on the premises of the multi-million-dollar Golden Nugget resort hotel and casino in Laughlin, Nevada ("Laughlin Nugget"). Landry's and GNI (collectively, "Defendants") are corporate entities which have at various times and in various fora publicly asserted they own, operate, and/or control the Laughlin Nugget. In a vain

**PLAINTIFFS' MOTION TO COMPEL DISCOVERY FROM DEFENDANTS
LANDRY'S, INC. AND GOLDEN NUGGET, INC. and
REQUEST FOR SANCTIONS**

attempt to avoid liability in this case, Defendants have sought to repudiate their prior statements by arguing that their co-defendant, GNL, Corp. (“GNL”) is the only true owner/operator of the Laughlin Nugget. To date, however, *Defendants have failed to make any required Rule 16.1 disclosures*, have *produced no documents whatsoever* in response to Plaintiffs’ document requests, and have *provided vague and evasive non-responsive answers* to Plaintiffs’ interrogatories and requests for admission. Worse, the Defendants have attempted to use their non-answers as weapons, relying on the absence of documents in a failed attempt to obtain summary judgment. Even now, after the Court denied their motion and ordered discovery pursuant to Rule 56(f), Defendants have failed to make any Rule 16.1 disclosures or to make any changes to their discovery responses. It is clear that they will never provide discovery voluntarily; they must be ordered to do so.

II. HISTORY.

Defendants were served more than a year ago, in July 2016. As noted in the Declaration of Mohamed A. Iqbal, Jr. in support of Plaintiffs’ Motion to Compel Discovery from Defendants Landry’s, Inc. and Golden Nugget, Inc. and Request for Sanctions (“Iqbal Decl.”) attached hereto, Defendants’ counsel initially approached him informally, suggesting that Defendants were not proper parties. Plaintiffs, also informally, asked for evidence supporting Defendants’ position; but received nothing in return. Iqbal Decl. ¶ 2. Eventually, Plaintiffs served three-day notices on Defendants, who responded by filing a motion to dismiss, arguing that – contrary to Plaintiffs’ complaint – they are not involved in the ownership or operation of the Laughlin Nugget. The Court denied their motion by order entered April 25, 2017.¹

On April 19, 2017, Plaintiffs served Defendants with limited and targeted discovery regarding Defendants’ involvement with the Laughlin Nugget, seeking to reconcile Defendants’ courtroom denial of ownership and control with their statements to the public, press, and federal

¹ Plaintiffs respectfully request judicial notice of the Court’s docket regarding motion practice in this case.

1 government asserting exactly the opposite.² On May 22, 2017, Defendants responded, providing
2 evasive, non-responsive answers to Plaintiffs' inquiries and engaged in total stonewalling with
3 respect to documents. Defendants then filed a motion for summary judgment. The Court denied
4 Defendants' motion, and granted Plaintiffs' counter-motion for discovery pursuant to Rule 56(f),
5 by order entered July 31, 2017. After the hearing on the motion, but before the order denying
6 summary judgment and granting discovery was entered, Defendants filed amended responses,
7 correcting what they described as minor typographical errors in their transcription of Plaintiffs'
8 discovery. They made no changes to their responses and still provided no documents. Iqbal
9 Dec. ¶ 3; *see also id.*, Exhibits A-E; F-J.

10 Plaintiffs have attempted in good faith to resolve this dispute pursuant to EDCR 2.34, but
11 without avail. After receiving Defendants' inadequate discovery responses, Plaintiffs' counsel
12 sent two meet-and-confer letters, the first on May 26, 2017 and then again on May 27, 2017.
13 Iqbal Dec. ¶ 4; *see also id.*, Exhibit K. Defendants never responded. Following the hearing at
14 which the Court denied Defendants' motion for summary judgment and granted the counter-
15 motion for discovery, Plaintiffs' counsel conferred in person with counsel for Defendants, who
16 represented that amended discovery responses would be forthcoming. Iqbal Dec. ¶ 5. However,
17 as noted above, the "amendments" consisted solely of correction of typographical errors in
18 Defendants' transcription of Plaintiffs' inquiries, and no changes at all to Defendants' responses.
19 It appears that Defendants have no intention of providing proper responses to discovery until
20 they are specifically ordered to do so.

21 III. DISCOVERY IN DISPUTE.

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² Excerpts of the relevant discovery requests and responses are included in the text of this Motion. Full
copies of the discovery requests and Defendants' initial and amended responses are attached: Exhibits A-
E are the discovery propounded to Landry's and the responses which are at issue in this Motion; Exhibits A-
F-J are the discovery and responses to and from GNI.

The ownership and control of the Laughlin Nugget is clearly at issue in this matter. Defendants themselves made it an issue with multiple motions seeking to dispose of their involvement in the case based on the question of who owns and runs the casino. Iqbal Decl., ¶¶ 3, 5. Evidence regarding ownership and control of the Laughlin Nugget is thus relevant pursuant to N.R.S. 48.015. As can be seen below, Plaintiffs' initial discovery requests to Defendants were narrowly targeted to this issue; but Defendants evaded and stonewalled in their responses.

A. Plaintiff's Discovery to Landry's and Landry's Non-Responsive Answers.

1. The interrogatories to Landry's at issue are as follows:

'Rog No. 2	Text of discovery:	Text of response:	Issue:
DESCRIBE each of YOUR "sporadic contacts" with the State of Nevada referenced in Defendants' Reply in Support of Motion to Dismiss at 4:16-18, from May 12, 2010, to present.	Interrogatory is vague, overly broad as it is not limited to alleged incident (sic) and is not limited in time, lacks foundation, assumes facts not in evidence, irrelevant (sic), and not (sic) reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: Landry's, Inc. itself has no direct contacts with Nevada other than to update its regulatory filings and/or activities by wholly owned subsidiaries.	OBJECTION: This Interrogatory is vague, overly broad as it is not limited to alleged incident (sic) and is not limited in time, lacks foundation, assumes facts not in evidence, irrelevant (sic), and not (sic) reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: Landry's, Inc. itself has no direct contacts with Nevada other than to update its regulatory filings and/or activities by wholly owned subsidiaries.	In Defendants' motions to dismiss and for summary judgment, Landry's asserted that it had only "sporadic contacts" with the State of Nevada which it claimed were insufficient to support general personal jurisdiction. Having thus placed the nature and character of its contacts with Nevada at issue, Landry's cannot hide behind objections as to relevance or false statements that the Interrogatory is not limited as to time, etc. The response is non-responsive, in that it limits the information provided to "direct contacts," a limitation that was not included in the Interrogatory and whose omission was not timely objected to by Landry's. Similarly, the response says there were no direct contacts "other than ..." but does not enumerate and describe the "other" contacts, as called for by the Interrogatory. Once again, the issue is the degree of ownership and control exercised by Landry's over the

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PLAINTIFFS' MOTION TO COMPEL DISCOVERY FROM DEFENDANTS
LANDRY'S, INC. AND GOLDEN NUGGET, INC. and
REQUEST FOR SANCTIONS

4	DESCRIBE the process by which you obtained permission to implement "enhanced security measures, including	OBJECTION: This Interrogatory is vague, overly broad as it is not limited to alleged incident (<i>sic</i>), lacks foundation, assumes	The issues here are the same as with respect to Interrogatory No. 3. Landry's has placed the question of its control over the Laughlin Nugget at issue; but Landry's has refused to answer the question, which seeks to
	permission to add restaurants to, and upgrade the river-view rooms in, the Golden Nugget Laughlin, as described in YOUR company website on January 14, 2012.	limited to alleged incident (<i>sic</i>), lacks foundation, assumes facts not in evidence, irrelevant (<i>sic</i>), and not (<i>sic</i>) reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: As detailed in GNL, CORP.'s answer and discovery responses, GNL, CORP. is the entity that owns, operates and controls the Golden Nugget in Laughlin, Nevada. Landry's, Inc. neither directly nor indirectly, through one or more of its subsidiaries, owns any percent of the outstanding ownership or membership interest in GNL, CORP. Furthermore, Landry's, Inc. neither directly nor indirectly, through one or more of its subsidiaries, operates or controls GNL, CORP. Landry's, Inc.'s wholly owned subsidiaries operate restaurants inside the casino.	Golden Nugget. This question is made relevant by Landry's dispositive motions, which are premised on the notion that it exercises <i>no</i> such ownership or control, despite its public claims to have upgraded the rooms and added restaurants there. The Interrogatory seeks to learn how Landry's could direct major changes to the Laughlin Nugget without owning or controlling it. The response is non-responsive; it evades the question posed and expends its verbiage addressing a question never asked.



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RFP No.	Text of discovery:	Text of response:	Issue:
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2. The document requests to Landry's at issue are as follows:

end-to-end encryption" at the Golden Nugget Laughlin as described in YOUR company website on January 29, 2016, including without limitation the banquet service, deli, Gold Diggers nightclub, and Starbucks.	facts not in evidence, irrelevant (<i>sic</i>), and not (<i>sic</i>) reasonably calculated to lead to the discovery of admissible evidence.	Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: As detailed in GNL, CORP.'s answer and discovery responses, GNL, CORP. is the entity that owns, operates and controls the Golden Nugget in Laughlin, Nevada. Landry's, Inc., neither directly nor indirectly, through one or more of its subsidiaries, owns any percent of the outstanding ownership or membership interest in GNL, CORP. Furthermore, Landry's, Inc. neither directly nor indirectly, through one or more of its subsidiaries, operates or controls GNL, CORP. Landry's, Inc.'s wholly owned subsidiaries operate restaurants inside the casino.	reconcile what Landry's says to the public with what it says in Court.
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1	ALL DOCUMENTS	RELATING to YOUR divestiture of ownership of Golden Nugget, Inc.	As with the prior discovery requests, this RFP seeks evidence relating to the relationship between Landry's, GNI, and the casino where Plaintiffs' injuries occurred – a relationship placed at issue by the Defendants' motions. GNI claimed in its last SEC filings that it was a wholly-owned subsidiary of Landry's and that it owned and operated the Laughlin Nugget. Landry's claims this is no longer true. Landry's did not produce any documents in response to this RFP, nor (despite its reference to various privileges) did it produce any sort of privilege log. A protective order (drafted by Defendants' counsel) has been in place since March 9, 2017 (lqbal Decl. at ¶ 6), and Landry's did not elect to specify why it would be insufficiently protect its purportedly-proprietary documents. Further, although Landry's refers back to its response to Interrogatory No. 1, that response does not include any documents or incorporate any documents by reference.	2	ALL DOCUMENTS	RELATING to the process by which you obtained permission to add restaurants to, and upgrade the river-view rooms in, the Golden Nugget Laughlin, as described in YOUR company website on January 14, 2012.	OBJECTION: This Request is vague, overly broad as it is not limited to alleged incident (sic), lacks foundation, assumes facts not in evidence, irrelevant (sic), seek confidential (sic) and proprietary information and not reasonably calculated (sic) to lead to the discovery of admissible evidence. Subject to and without attorney/client privilege and/or the work product doctrine. Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: See Landry's, Inc. response to Interrogatory No. 1, fully incorporated herein.	OBJECTION: This evidence relating to the relationship between Landry's, GNI, and the casino where Plaintiffs' injuries occurred – a relationship placed at issue by the Defendants' motions. The response refers back to the response to Interrogatory No. 3, which was itself non-responsive and does not include any documents or incorporate any documents by reference.
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PLAINTIFFS' MOTION TO COMPEL DISCOVERY FROM DEFENDANTS
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		<p>waiving the foregoing objections, this answering Defendant responds as follows: See Landry's, Inc. response to Interrogatory No. 3, fully incorporated herein. No documents.</p>	<p>The response concludes "No documents, or whether Landry's simply elected not to produce documents responsive to this RFP. Regrettably, Defendants chose to forego the customary courtesy of at least responding to Plaintiffs' meet-and-confer letter, which raised this very question.</p>
3	<p>ALL DOCUMENTS RELATING to the process by which you obtained permission to implement "enhanced security measures, including end-to-end encryption: at the Golden Nugget Laughlin, as described in YOUR company website on January 29, 2016, including without</p>	<p>Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: See Landry's, Inc. response to Interrogatory No. 4, fully incorporated herein. No documents.</p>	<p>The issues here are the same as before: evidence relating to the relationship between Defendants and the casino where Plaintiffs' injuries occurred has placed at issue by the Defendants' motions.</p>
5	<p>ALL DOCUMENTS RELATING to YOUR "corporate relationship" to GNL, Corp., referred to in Defendants' Motion to Dismiss at</p>	<p>OBJECTION: This Request is vague, overly broad as it is not limited to alleged incident (<i>sic</i>), lacks foundation, assumes facts not in evidence,</p>	<p>The issues here are the same as before: evidence relating to the relationship between Defendants and the casino where Plaintiffs' injuries occurred has placed at issue by the Defendants' motions.</p>

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6:26-28.	irrelevant (<i>sic</i>), and not reasonably calculated (<i>sic</i>) to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: As set forth in Landry's, Inc.'s response to Interrogatory No. 1, as of September 30, 2013, Landry's, Inc. neither directly nor indirectly, through one or more of its subsidiaries, owns any percent of the outstanding ownership or membership interest in Landry's Gaming, Inc., Golden Nugget, Inc., or any of Golden Nugget, Inc.'s subsidiaries (including GNL, CORP.). As such, none.	The response to this RFP appears to be limited to ownership or membership interests. The request itself however, was not limited in this way; the response is therefore non-responsive. Landry's response concludes with the words "As such, none," implying that without the added limitation, there would have been responsive documents. Landry's produced no documents in response to this or any other RFP.
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B. Plaintiff's Discovery to GNI and GNI's Non-Responsive Answers.

1. The interrogatories to GNI at issue are as follows:

'Rog No.	1
Text of discovery:	IF YOUR answer to Request for Admission No. 1 of Plaintiff's First Set of Requests for Admissions to Defendant Golden Nugget, Inc. was anything other than an unqualified admission, DESCRIBE the process by which YOU divested YOURSELF of
Text of response:	OBJECTION: This Interrogatory is vague, overly broad as it is not limited to alleged incident (<i>sic</i>), lacks foundation, assumes facts not in evidence, irrelevant (<i>sic</i>), seeks confidential and proprietary information and not reasonably calculated (<i>sic</i>) to lead to the discovery of admissible evidence.
Issue:	The Defendants ownership and control over the Laughlin Nugget has been placed at issue by them in multiple dispositive motions. As set forth in the briefing papers on the motions, GNI represented to the U.S. Securities and Exchange Commission that it owned and operated the Laughlin Nugget. Now, it claims otherwise. This interrogatory seeks to discover information relating to the process of divestiture.

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<p>ownership and/or operation of the Golden Nugget hotel, casino, and entertainment resort in Laughlin, Nevada, including without limitation the dates the divestiture took place and the PERSON to whom you divested such ownership and/or operation.</p>	<p>IDENTIFY all properties and/or entities for which you claim to be "a holding company" as stated in Defendants' Motion to Dismiss at 3:19-21, including 21, including the name(s) of each property and/or entity you claim to hold, the means by which you claim to hold said</p>	<p>OBJECTION: This information protected by the attorney/client privilege and/or the work product doctrine. Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: Golden Nugget, Inc. is a holding company that owns the outstanding stock of, among other companies, GNL, CORP. Golden Nugget, Inc. does not directly own, control, or operate the Golden Nugget Hotel and Casino in Laughlin Nevada. As detailed in GNL, CORP.'s answer and discovery responses, GNL, CORP. is the only entity that owns, operates and controls the Golden Nugget in Laughlin, Nevada.</p> <p>OBJECTION: This Interrogatory seeks to discover what GNL, which claims it is a holding company, actually holds and for whom. As with the other inquiries, it is directed at the relationship between the Defendants and the casino. As before, to the extent the information sought is proprietary, GNL has offered no explanation for why the protective order drafted by its counsel is inadequate to protect its interests.</p>
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PLAINTIFFS' MOTION TO COMPEL DISCOVERY FROM DEFENDANTS
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properties and/or entities, and the beneficial owner for whom you claim to hold said properties and/or entities.	Interrogatory seeks confidential and/or proprietary information protected by attorney-client and/or attorney-work product privilege. Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: Golden Nugget, Inc. is a holding company that owns the outstanding stock of GNLV, CORP. GNL, CORP., LGE, Inc., GNLG Holdings, Inc., and 20% of Texas Gaming, LLC.	With respect to the claim of "potentially" privileged information: Plaintiffs are unaware of any authority for asserting a claim of "potential privilege." Either a privilege applies, or it does not. Nothing supporting the claim was ever produced. The response is non-responsive, in that it does not identify any properties held (or specify that none exist). It does not identify the beneficial owners for whom GNL purports to hold the listed entities, as called for in the Interrogatory.
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2. The document requests to GNI at issue are as follows:

RFP No.	1
Text of discovery:	All Documents RELATING to YOUR divestiture of ownership AND/OR operation of the Golden Nugget hotel, casino, and entertainment resort in Laughlin, Nevada.
Text of response:	OBJECTION: This Request is vague, overly broad as it is not limited to alleged incident (sic), lacks foundation, assumes facts not in evidence, irrelevant (sic), seek confidential (sic) and proprietary information and not reasonably calculated (sic) to lead to the discovery of admissible evidence. OBJECTION: This Request seeks to discover (sic) information protected by the attorney/client privilege and/or the work product doctrine. Subject to and without waiving the foregoing
Issue:	As with the other discovery requests, this RFP seeks documents relating to the relationship between the Defendants and the casino – specifically, GNI's claims that, contrary to its SEC filings, it does not own and operate the Laughlin Nugget. Objections regarding proprietary information and privilege suggest that – assuming these objections were actually made in good faith – there are responsive documents. However, no privilege log was ever produced, and GNI never articulated a reason for concluding the protective order drafted by its counsel was inadequate. GNI produced no documents. It is unclear why, if the objections

PLAINTIFFS' MOTION TO COMPEL DISCOVERY FROM DEFENDANTS LANDRY'S, INC. AND GOLDEN NUGGET, INC. and REQUEST FOR SANCTIONS

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			objections, this answering Defendant responds as follows: None.
2	ALL DOCUMENTS RELATING to YOUR "corporate relationship" to GNL, Corp., referred to in Defendants' Motion to Dismiss at 6:26-28.	OBJECTION: This Request is vague, overly broad as it is not limited to alleged incident (<i>sic</i>), lacks foundation, assumes facts not in evidence, irrelevant (<i>sic</i>), seeks highly confidential and proprietary information and not reasonably calculated (<i>sic</i>) to lead to the discovery of admissible evidence. FURTHER OBJECTION: This Request seeks confidential and/or proprietary information potentially protected by attorney-client and/or attorney-work product privilege. Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: See Golden Nugget, Inc.'s response to Interrogatory No. 4. No documents will be produced.	as to proprietary information and privilege were lodged in good faith, responsive documents apparently exist.
			Once again, Plaintiffs seek evidence relating to the relationship between the Defendants and the casino. This is relevant given Defendants' motions. GNL's duplicative recitation of concerns about proprietary material suggests there are responsive documents, as does its invocation of "potential privilege." However, for the reasons stated above, the objections are ill-founded: there is a protective order in this case drafted by GNL's lawyers, there is no such thing as a "potential privilege," and GNL never provided a privilege log. GNL refers back to its response to Interrogatory No. 4, which neither includes documents nor incorporates any documents by reference. GNL's concluding comment, "No documents will be produced," infers – as do its objections – that responsive documents exist, but that GNL just doesn't want to produce them.

C. Defendants' Failure to Provide Required Rule 16.1 Disclosures.

Discovery under Rule 26(b) extends to "any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter."

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1 Nev. R. Civ. P. 26(b)(1). Materials discoverable under Rule 26(b) must be disclosed without
2 awaiting a discovery request, pursuant to Rule 16.1(a)(1)(A). Because Defendants elected to
3 defend on the basis of their purported lack of ownership and control of the Laughlin Nugget,
4 documents relating to such ownership and control became subject to this mandatory disclosure
5 requirement. *Id.* However, Landry's and GNI have never made any disclosures under Rule 16.1.
6 Iqbal Decl. at ¶ 2.

7 **IV. LAW AND ARGUMENT.**

8 Rule 37 authorizes motions to compel discovery, which should be brought in the court
9 where the action is pending; Rule 16.1 and EDCR 2.34 provide that discovery disputes should be
10 brought before the Discovery Commissioner. Although as noted above, *this Court has already*
11 *granted Plaintiffs' Rule 56(f) request for discovery*, it is clear that Defendants will not actually
12 comply without a specific order and sanctions for noncompliance.

13 The scope of discovery in Nevada is broad: as noted above, it extends to any matter
14 relevant to the claims or defenses of any party, provided the matter is not privileged. Even
15 inadmissible matters can be discovered, so long as there appears a reasonable chance they will
16 lead to the discovery of admissible evidence. Nev. R. Civ. P. 26(b)(1). Privileges, on the other
17 hand, "should be construed narrowly." *Ashokan v. State Dept of Ins.*, 856 P.2d 244, 247 (Nev.
18 1993) (citations omitted). Here, Landry's and GNI have chosen to make their ownership and
19 control over the Laughlin Nugget an issue. Their ongoing attempts to get out of this case by
20 distancing themselves from the casino's operations – attempts which are, as discussed in the
21 motions, at odds with their statements to the public, the press, and the government of the United
22 States – make the materials requested by Plaintiffs relevant and therefore discoverable under
23 Rule 26.

24 Privileged information is ordinarily not discoverable, but a party making a claim of
25 privilege must comply with Rule 26(b)(5) and must, without actually disclosing the material,
26 "describe the nature of the documents, communications, or things not produced or disclosed in a

27 **PLAINTIFFS' MOTION TO COMPEL DISCOVERY FROM DEFENDANTS**
28 **LANDRY'S, INC. AND GOLDEN NUGGET, INC. and**
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1 manner that ... will enable other parties to assess the applicability of the privilege or protection.”
2 Nev. R. Civ. P. 26(b)(5). Ordinarily, this is done by preparing a privilege log separately
3 identifying each document and setting forth sufficient information to meet the burden of
4 establishing the privilege exists – a burden which rests with the party claiming the privilege. *See*
5 *Nevada Power Co. v. Monsanto Co.*, 151 F.R.D. 118, 121 (D. Nev. 1993). Here, neither
6 Landry’s nor GNI has produced a privilege log of any sort; indeed, the hedge of invoking
7 “potential” privilege should be seen as a transparent attempt to circumvent the rules. An
8 improperly asserted claim of privilege is “no claim of privilege at all.” *Int’l Paper Co. v.*
9 *Fibreboard Corp.*, 63 F.R.D. 88, 94 (D. Del. 1974).

10 Finally, with respect to protective orders: a party seeking a protective order, to protect
11 non-privileged confidential information or any other purpose, must certify in good faith that it
12 has conferred or attempted to confer with the other parties to resolve the dispute without court
13 action. Nev. R. Civ. P. 26(c). Defendants cannot do so; they blew off Plaintiffs’ meet-and-
14 confer efforts and have made no effort to propose any limitation or amendment to the existing
15 protective order that would protect their purportedly-proprietary documents. Accordingly, there
16 is no valid basis for Defendants to assert to Plaintiffs or to this Court that “No documents will be
17 produced.”

18 Although Defendants’ interrogatory responses were less blatant in their stonewalling than
19 their document responses, their evasions – inserting words of limitation not present in the
20 interrogatories, failing to answer the questions posed, and/or providing only incomplete answers
21 – are no less violative of the rules. Evasive and incomplete answers are non-responsive. Nev. R.
22 Civ. P. 37(a)(3). It is clear that Defendants want to state their positions regarding ownership and
23 control of the Laughlin Nugget without allowing the Plaintiffs to inquire any further. The law,
24 however, does not permit Defendants to do so. Accordingly, the Court should order Landry’s
25 and GNI to provide their Rule 16.1 disclosures, and to properly respond to the specified

PLAINTIFFS’ MOTION TO COMPEL DISCOVERY FROM DEFENDANTS
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discovery, including complete and responsive answers to Plaintiffs' interrogatories, and all documents relevant to Plaintiffs' document requests.

V. REQUEST FOR SANCTIONS.

Pursuant to Rule 37(a)(4)(A), Plaintiffs further request that the Court order Landry's and GNI to pay Plaintiffs' costs of bringing this Motion, including attorneys' fees; and to impose such other and further sanctions as may be required in the interest of justice in the event Defendants do not comply.

VI. CONCLUSION.

For all the foregoing reasons, Plaintiffs' Motion should be granted. Respectfully submitted this 23rd day of August, 2017.

IQBAL LAW, PLLC

By: /s/ Mohamed A. Iqbal, Jr. (NSB #10623)
Christopher Mathews (NSB #10674)
Attorneys for Plaintiffs Joe N. Brown and Nettie J. Brown

DECLARATION OF MOHAMED A. IQBAL, JR.

I, MOHAMED A. IQBAL, JR., hereby declare as follows:

1. I am over the age of 18 and competent to testify. I am counsel of record for Joe N. Brown and Nettie J. Brown, Plaintiffs in the above-captioned proceeding, and make this declaration subject to penalty of perjury under the laws of the United States and the State of Nevada, in support of Plaintiffs' Motion to Compel Discovery from Defendants Landry's, Inc. and Golden Nugget, Inc. and Request for Sanctions (the "Motion"), filed herewith.

2. Plaintiffs filed their initial complaint in this matter and served Defendants Landry's, Inc. ("Landry's") and Golden Nugget, Inc. ("GNI") in July 2016. Defendants' counsel, Lee Grant, contacted me to informally that Landry's and GNI were not proper parties, but that GNL Corp. was. I asked, also informally, for evidence indicating that Landry's and GNI should not be part of the case, but received nothing in return. Neither Landry's nor GNI have even made their Rule 16.1 disclosures in this case.

3. After defeating a motion to dismiss from Landry's and GNI based on their supposed lack of ownership and/or control of the Golden Nugget resort hotel and casino in Laughlin, Nevada ("Laughlin Nugget"), Plaintiffs served limited and target discovery seeking to obtain information and evidence about the relationship of the defendants with each other and the Laughlin Nugget. Exhibits A, B, and C to the Motion are, respectively, true and correct copies of Plaintiffs' interrogatories to Landry's, Landry's initial interrogatory responses, and Landry's "corrected" interrogatory responses. Exhibits D and E are Plaintiffs' document requests to Landry's and Landry's responses. Exhibits F, G, and H are, respectively, true and correct copies of Plaintiffs' interrogatories to GNI, GNI's initial interrogatory responses, and GNI's "corrected" interrogatory responses. Exhibits I and J are Plaintiffs' document requests to GNI and GNI's responses.

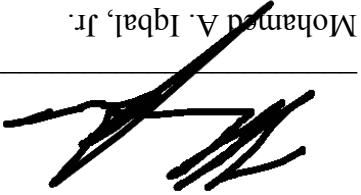
4. On reviewing the initial responses from Landry's and GNI, it was clear they were deficient in multiple respects. My firm sent two meet and confer letters to Landry's and GNI's

**PLAINTIFFS' MOTION TO COMPEL DISCOVERY FROM DEFENDANTS
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1 counsel, the first on May 26, 2017 and then again on May 27, 2017, true and correct copies are
 2 attached as Exhibit K; but they never responded.

3 5. Landry's and GNI brought a motion for summary judgment based on the same
 4 arguments as their motion to dismiss; the Court denied it, and granted Plaintiffs' counter-motion
 5 for discovery under Rule 56(f). After the hearing on the summary judgment motion, I personally
 6 spoke with Annalisa Grant, counsel for Landry's and GNI. She told me that her clients would
 7 serve amended discovery responses; but it turned out that the only changes were to their
 8 transcription of Plaintiffs' discovery requests, not to the responses. The day after the Court
 9 entered its order granting Rule 56(f) discovery, Landry's and GNI moved for reconsideration.
 10 6. There is a protective order in this case, entered March 9, 2017. It was drafted by
 11 counsel for Landry's and GNI (who also represent GNL Corp), with input from the Plaintiffs.

12 Dated this 23 day of August, 2017.

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 14 
 15 _____
 16 Mohamed A. Iqbal, Jr.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of IQBAL LAW PLLC, and that on this 23rd day of August, 2017 I caused to be served a true and correct copy of the foregoing **PLAINTIFFS' MOTION TO COMPEL DISCOVERY FROM DEFENDANTS LANDRY'S, INC. AND GOLDEN NUGGET, INC. and REQUEST FOR SANCTIONS** in the following manner:

(ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List.

Grant & Associates

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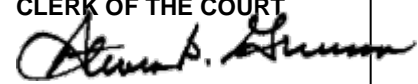
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/s/ Jaime Serrano, Jr.
An employee of IQBAL LAW PLLC

**PLAINTIFFS' MOTION TO COMPEL DISCOVERY FROM DEFENDANTS
LANDRY'S, INC. AND GOLDEN NUGGET, INC. and
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RPLY

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Attorney for Defendants
GOLDEN NUGGET, INC. and LANDRY'S, INC.

DISTRICT COURT
CLARK COUNTY, NEVADA

* * *

JOE N. BROWN, an individual, and his Wife,
NETTIE J. BROWN, an individual,
Plaintiffs,

vs.

LANDRY'S, INC., a foreign corporation;
GOLDEN NUGGET, INC. a Nevada
corporation, d/b/a GOLDEN NUGGET
LAUGHLIN; GNL, CORP., a Nevada
corporation; DOE INDIVIDUALS 1-100,
ROE BUSINESS ENTITIES 1-100,

Defendants.

GNL, CORP., a Nevada corporation;

Third-Party Plaintiff,

vs.

Thyssenkrupp Elevator Corporation, a Foreign
Corporation; DOES 1-75; ROE
CORPORATIONS 1-75; DOE ESCALATOR
INSTALLER; DOE ESCALATOR
MANUFACTURER; DOE ESCALATOR
MAINTENANCE SUBCONTRACTOR; and
ROE CORPORATIONS 1-25

Third-Party Defendants

CASE NO.: A-16-739887-C
DEPT. NO.: XXXI

**DEFENDANTS' REPLY IN SUPPORT
OF MOTION FOR
RECONSIDERATION**

///

COME NOW, Defendants GOLDEN NUGGET, INC. and LANDRY'S, INC. ("Defendants"), by and through their attorney, Annalisa N. Grant, Esq. of GRANT & ASSOCIATES, and hereby submit the instant Reply in Support of their Motion for Reconsideration in the above-captioned matter.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Defendants' Motion for Summary Judgment was denied in large part due to a typographical error in one of the Defendant's (GNI's) discovery responses. In doing so, the Court noted that it was not sure it could rely on Defendants' verified answers to discovery. The error has now been corrected and the discovery is reliable. Defendants respectfully request the Court reconsider its previous decision. Defendants would note that the substantive law and argument remains essentially the same as it was in Defendants' original Motion for Summary Judgment.

Now, in their opposition, Plaintiffs take issue with Defendants GNI and Landry's lack of NRCP 16.1 disclosures. Of course, Plaintiffs have never held a supplemental early case conference as is also required (NRCP 16.1(a)) due to the inclusion of new parties following which the disclosure requirement begins. Further, as these Defendants have *repeatedly* addressed through pleadings and discovery, they have nothing that is relevant to any claims or defenses because they were not in control of the property. Nevertheless, Defendants have jointly issued a fifth supplemental NRCP 16.1 disclosure on behalf of all Defendants which contains the same documents already disclosed by GNL – which is the only correct entity and had already made four prior disclosures.

At the same time, while constantly complaining to this Court about perceived technical defects in Defendants' documentation, Plaintiffs have refused to provide any kind of medical releases and a motion to compel on the issue is currently pending. Again, despite all of Plaintiff's issues noted regarding defense discovery, no motion to compel has been filed, no EDCR 2.34 conference has been held and Defendant has provided substantive discovery responses in the form of sworn interrogatories.

At the last hearing on the Motion for Summary Judgment, Plaintiffs argued that additional time for discovery was required. Notably, they do not argue that in Opposition to the Motion for Reconsideration, which is just as well as it is only the Defendants who have been conducting any type of discovery. Both Thyssenkrupp and these Defendants have been conducting discovery, including attempting to obtain HIPAA releases from Plaintiffs so the parties can request copies of medical records.

II. LAW AND ARGUMENT

A. THE SUBSTANTIVE LAW AND ARGUMENT REMAINS UNCHANGED AND SUMMARY JUDGMENT SHOULD BE GRANTED

While Plaintiffs take some issues with Defendants' discovery disclosures this time (which were notably absent last time), these complaints are unfounded and do not serve as a basis for denying reconsideration – or the substantive motion. As is discussed extensively in the Motion, there remains no jurisdiction over Defendant Landry's, and no valid claims are pled that would give rise to a claim against GNI.

As is noted above, there has been no substantive discovery activity from Plaintiffs since the parties were last in Court, although the parties did recently extend discovery. Defendants Landry's and GNI appeared in this case April 3, 2017. The original MSJ was filed May 24, 2017 and was heard June 27, 2017. Yet, despite indicating that additional discovery was required, Plaintiffs have conducted none.

Meanwhile, and contrary to Plaintiffs' arguments, Defendants have provided verified responses to discovery indicating that GNL's employees operate and manage the resort, not GNI. Further, the responses indicate that Landry's does not operate or control GNL. This has been addressed ad nauseum in the MSJ, but see for example **Exhibits A and C** to the Defendant's Reply (the typographically corrected versions attached to the Motion for Reconsideration as **Exhibit B**).

Finally, Defendant respectfully reemphasizes the Nevada Supreme Court Holding on the issue:

As the Second Circuit Court of Appeals has recognized, such problems in overcoming the presumption of separateness are inherent in attempting to

sue a foreign corporation that is part of a carefully structured corporate family, and *courts may not create exceptions to get around them*:

‘We recognize that *without discovery* it may be extremely difficult for plaintiffs ... to make a *prima facie* showing of jurisdiction over a foreign corporation.... [But] [t]he rules governing establishment of jurisdiction over such a foreign corporation are clear and settled, and it would be inappropriate for us to deviate from them or to create an exception to them because of the problems plaintiffs may have in meeting their somewhat strict standards.

Accordingly, for the reasons set forth above, we grant the petition and direct the clerk of the court to issue a writ of prohibition precluding the district court from allowing the case to proceed against the German Viega companies.

Viega GmbH v. Eighth Jud. Dist. Ct., 328 P.3d 1152, 1161 (2014); *Quoting, Jazini v. Nissan Motor Co., Ltd.*, 148 F.3d 181, 186 (2d Cir. 1998) (emphasis added).

In the instant case, Defendant Landry’s has gone even further and actually provided verified discovery that supports the lack of jurisdiction in this matter, despite the recognized prohibition on doing so. Nothing further should be permitted and summary judgment should be granted.

One final note on the issue is Defendants’ emphasis on the fact that there is no legitimate reason to keep GNI and Landry’s in the case in the face of the failure of any legitimate cause of action or jurisdiction. There is no allegation (and certainly would be no support for one) that Defendant GNL is somehow underfunded, or not participating, or seeking to claim that it was not the owner/operator of the property. Defendants have encountered incorrectly named entities in numerous other cases and never had the same issue getting incorrectly named entities removed – because most Plaintiffs want the correct entity in the case.

B. REQUEST FOR STAY

In the event the Court is inclined to deny the Motion, Defendant Landry’s respectfully requests a stay of proceedings to enable it to seek review via original writ pursuant to NRAP 8(a)(1). Defendant believes that permitting discovery to continue against it, without a showing ...

1 of jurisdiction, would violate the clear letter of the law and it would be without plain, speedy
2 and adequate remedy absent such a stay.

3 **III. CONCLUSION**

4 Based upon the foregoing law and argument, Defendants GNI and Landry's respectfully
5 request that this Honorable Court reconsider its previous Motion and grant their Motion for
6 Summary Judgment with respect to all causes of action.

7 DATED this 24th day of August, 2017.

8 GRANT & ASSOCIATES

9 */s/ Annalisa N. Grant, Esq.*

10 _____
11 ANNALISA N. GRANT, ESQ.
12 Nevada Bar No. 11807
13 7455 Arroyo Crossing Parkway, Suite 300
14 Las Vegas, Nevada 89113
15 Annalisa.Grant@aig.com

16 Attorney for Defendants
17 GOLDEN NUGGET, INC. and LANDRY'S, INC.
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I certify that I am an employee of GRANT & ASSOCIATES and that on this 24th day of August, 2017, I served a true and correct copy of the foregoing **DEFENDANTS' REPLY IN SUPPORT MOTION FOR RECONSIDERATION** by serving as follows:

 x Through the Court authorized electronic mail to all parties listed on the master service pursuant to Administrative Order 14-2 and Rule 9 of the NEFCR;

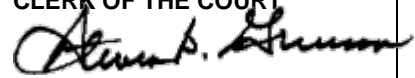
 depositing said document(s) with the U.S. Postal Service;

addressed to the following person(s) at the address(es) listed below:

Mohamed A. Iqbal, Jr., Esq.
Christopher Mathews, Esq.
101 Convention Center Drive, Suite 1175
Las Vegas, NV 89109
Ph: 702-750-2950
Fax: 702-825-2841
mal@llawlv.com
Attorney for Plaintiffs

/s/ Denisse Rubio

An Employee of
GRANT & ASSOCIATES



ERR

IQBAL LAW PLLC

Mohamed A. Iqbal, Jr. (NSB #10623)

Christopher Mathews (NSB #10674)

Jaime E. Serrano, Jr. (NSB #14116)

101 Convention Center Dr., Suite 1175

Las Vegas, Nevada 89109

1-(702) 750-2950 (Tel)

1-(702) 825-2841 (V-Fax)

info@ilawlv.com

Attorneys for Plaintiffs Joe N. Brown and Nettie J. Brown

**DISTRICT COURT
CLARK COUNTY, NEVADA**

JOE N. BROWN, an individual, and his Wife,
NETTIE J. BROWN, an individual

Plaintiffs,

vs.

LANDRY'S, INC., a foreign corporation;
GOLDEN NUGGET, INC, a Nevada
corporation, d/b/a GOLDEN NUGGET
LAUGHLIN; GNL, CORP.; DOE
INDIVIDUALS 1-100; ROE BUSINESS
ENTITIES 1-100,

Defendants.

Case No.: A-16-739887-C

Dept. No.: XXXI

**NOTICE OF ERRATA TO PLAINTIFFS'
MOTION TO COMPEL DISCOVERY
FROM DEFENDANTS LANDRY'S, INC.
AND GOLDEN NUGGET, INC.**

and

REQUEST FOR SANCTIONS

(Discovery Commissioner)

Date: September 27, 2017

Time: 9:30 a.m.

**NOTICE OF ERRATA TO OMNI FINANCIAL LLC'S MOTION FOR SUMMARY
JUDGMENT**

PLEASE TAKE NOTICE that Plaintiffs JOE N. BROWN and NETTIE J. BROWN (collectively, "Plaintiffs"), by and through their counsel, the law firm of Iqbal Law PLLC, hereby files this Notice of Errata to correct and add the exhibits to their original filing of PLAINTIFFS' MOTION TO COMPEL DISCOVERY FROM DEFENDANTS LANDRY'S, INC. AND GOLDEN NUGGET, INC. and REQUEST FOR SANCTIONS filed on August 23, 2017. The original motion omitted entirely the exhibits A- K. The omitted exhibits are attached hereto as Exhibit 1. For the Court's reference, Plaintiff's counsel has included the first two

NOTICE OF ERRATA

pages of the original filing noting the date of the original filing and the hearing date assigned by the clerk's office, attached hereto as Exhibit 2.

Dated: August 24, 2017

IQBAL LAW PLLC

By: /s/ Jaime E. Serrano, Jr.
Jaime E. Serrano, Jr. (NSB #14116)
Mohamed A. Iqbal, Jr. (NSB #10623)
Christopher Mathews (NSB #10674)
Attorneys for Plaintiffs Joe N. Brown and Nettie J. Brown

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of IQBAL LAW PLLC, and that on this 24th day of August, 2017 I caused to be served a true and correct copy of the foregoing **NOTICE OF ERRATA TO PLAINTIFFS' MOTION TO COMPEL DISCOVERY FROM DEFENDANTS LANDRY'S, INC. AND GOLDEN NUGGET, INC. and REQUEST FOR SANCTIONS** in the following manner:

(ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List.

Grant & Associates

Contact

Email

Annalisa Grant

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/s/ Jaime E. Serrano, Jr.
An employee of IQBAL LAW PLLC

NOTICE OF ERRATA

EXHIBIT 1

EXHIBIT A

JNB00287

1 IQBAL LAW PLLC
Mohamed A. Iqbal, Jr. (NSB #10623)
2 Christopher Mathews (NSB #10674)
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3 Las Vegas, Nevada 89109
1-(702) 750-2950 (Tel); 1-(702) 825-2841 (V-Fax)
4 mai@ilawlv.com cxm@ilawlv.com
5 *Attorneys for Plaintiffs Joe N. Brown and Nettie J. Brown*

6 **DISTRICT COURT**
CLARK COUNTY, NEVADA

8 JOE N. BROWN, an individual, and his Wife,
NETTIE J. BROWN, an individual

9 Plaintiffs,

10 vs.

11 LANDRY’S, INC., a foreign corporation;
12 GOLDEN NUGGET, INC, a Nevada
13 corporation, d/b/a GOLDEN NUGGET
LAUGHLIN; GNL, CORP.; DOE
14 INDIVIDUALS 1-100; ROE BUSINESS
15 ENTITIES 1-100,

16 Defendants.

17 AND ASSOCIATED CASES

Case No.: A-16-739887-C

Dept. No.: XXXI

**PLAINTIFFS JOE N. BROWN’S AND
NETTIE J. BROWN’S FIRST SET OF
INTERROGATORIES TO DEFENDANT
LANDRY’S, INC.**

18 **TO: Defendant LANDRY’S, INC.; and**

19 **TO: LEE J. GRANT II, its counsel of record:**

20 Plaintiffs Joe N. Brown and Nettie J. Brown, pursuant to Nevada Rules of Civil
21 Procedure (“NRCP”) 26 and 33, propound the following interrogatories to Defendant Landry’s,
22 Inc. Please answer each of the following interrogatories separately, fully, in writing, and under
23 oath. The answers are to be signed by you and must be served within thirty (30) calendar days
24 after being served.

25 If you object to any interrogatory, you must explain your objection with particularity, and
26 list all factual and legal support for your objection. If you object to answering any part of any
27 interrogatory, specify the part to which you object, and answer the remainder.

28 **PLAINTIFFS’ FIRST SET OF INTERROGATORIES**

1 Each interrogatory not only calls for your knowledge, but also for all knowledge that is
2 available to you through reasonable inquiry, including by your representatives and attorney.

3 These interrogatories are continuing, requiring prompt supplemental answers if further
4 events occur or if further information is obtained, developed, or disclosed between the time these
5 interrogatories are first answered and the time of adjudication.

6 **DEFINITIONS**

7 1. "DOCUMENT" or "DOCUMENTS" means any writing or writings as defined by NRC
8 34 and includes writings, drawings, graphs, charts, photographs, audio recordings, and
9 other data compilations from which information can be obtained and/or translated, if
10 necessary, by the responding party through detection devices into reasonably usable
11 form. The terms "DOCUMENT" and "DOCUMENTS" include any comment or
12 notation appearing on any such writing and not part of the original text. A DOCUMENT
13 including such a comment or notation is considered a separate DOCUMENT.

14 "DOCUMENT" or "DOCUMENTS" refer to any document now or at any time in YOUR
15 possession, custody or control. A person is deemed in control of a DOCUMENT if the
16 person has any ownership, possession or custody of the DOCUMENT or the right to
17 secure the DOCUMENT or a copy thereof from any person or public or private entity
18 having physical possession thereof. "DOCUMENTS" shall not include exact duplicates
19 where originals are available, but shall include all copies different from originals in any
20 way by virtue of any writings, notations, symbols, characters, impressions, or any marks
21 thereon in any form.

22 2. "WRITINGS" and "RECORDINGS" as defined by NRS 52.225, mean ANY letters,
23 words, or numbers, or their equivalent, set down by handwriting, typewriting, printing,
24 photostating, photographing, magnetic impulse, mechanical or electronic recording, or
25 other form of data compilation.

26 3. The terms "YOU" and "YOUR" mean Defendant LANDRY'S, INC.

4. A reference to a “PERSON” or “PEOPLE” includes any individual, corporation, partnership, joint venture, limited liability company, governmental entity, unincorporated organization, trust, association or other entity responsive to the description in the request, and includes all of that person’s principals, employees, agents, attorneys, consultants and other representatives.
5. To “DESCRIBE” means to relate in detail sufficient to distinguish the method, procedure, person, place, or thing from all other similar methods, procedures, persons, places, or things.
6. With respect to a PERSON (which term includes any individual, corporation, partnership, joint venture, limited liability company, governmental entity, unincorporated organization, trust, association or other entity responsive to the description in the request), the term “IDENTIFY” and “STATE THE IDENTITY OF” mean to set forth the following information:
 - a. The name or names of the PERSON requested;
 - b. That PERSON’s name, address, or other contact information; and
 - c. Any other descriptive information necessary in order to adequately describe that PERSON or those people.
7. The terms “AND” and “OR” shall be construed either conjunctively or disjunctively as necessary to bring within the scope of the request all responses that might otherwise fall outside the scope of the request.
8. The terms “ALL,” “ANY,” and “EACH” encompass any and all of the matter discussed.
9. The use of singular form includes plural and vice versa.
10. The use of present tense includes past tense, and vice versa.

INTERROGATORIES

INTERROGATORY NO. 1: If YOUR answer to Request for Admission No. 1 of Plaintiffs’ First Set of Requests for Admissions to Defendant Landry’s Inc. was anything other than an unqualified admission, DESCRIBE the process by which YOU divested YOURSELF of

ownership of Golden Nugget, Inc., including without limitation the dates the divestiture took place and the PERSON to whom you divested such ownership.

INTERROGATORY NO. 2: DESCRIBE each of YOUR “sporadic contacts” with the State of Nevada referenced in Defendants’ Reply in Support of Motion to Dismiss at 4:16-18, from May 12, 2010, to the present.

INTERROGATORY NO. 3: DESCRIBE the process by which you obtained permission to add restaurants to, and upgrade the river-view rooms in, the Golden Nugget Laughlin, as described in YOUR company website on January 14, 2012.

INTERROGATORY NO. 4: DESCRIBE the process by you obtained permission to implement “enhanced security measures, including end-to-end encryption” at the Golden Nugget Laughlin as described in YOUR company website on January 29, 2016, including without limitation the banquet service, deli, Gold Diggers nightclub, and Starbucks.

INTERROGATORY NO. 5: DESCRIBE any change to the Golden Nugget hotel, casino, and entertainment resort in Laughlin, Nevada, which YOU authorized from September 27, 2005, to the present.

INTERROGATORY NO. 6: IDENTIFY YOUR parent corporation, if any, and any publicly held corporation owning ten per cent (10%) or more of YOUR stock.

Dated April 19, 2017.

IQBAL LAW PLLC

By: /s/ Mohamed A. Iqbal

Mohamed A. Iqbal, Jr. (NSB #10623)

Christopher Mathews (NSB #10674)

*Attorneys for Plaintiffs Joe N. Brown and
Nettie J. Brown*

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I am an employee of IQBAL LAW PLLC, and that on this
3 19th day of April, 2017 I caused to be served a true and correct copy of foregoing **PLAINTIFFS**
4 **JOE N. BROWN'S AND NETTIE J. BROWN'S FIRST SET OF INTERROGATORIES**
5 **TO DEFENDANT LANDRY'S, INC.** in the following manner:

6 **(ELECTRONIC SERVICE)** Pursuant to Administrative Order 14-2, the above-
7 referenced document was electronically filed on the date hereof and served through the Notice of
8 Electronic Filing automatically generated by the Court's facilities to those parties listed on the
9 Court's Master Service List.

10 **Grant & Associates**

11 **Contact**

12 **Email**

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18 **Rogers Mastrangelo Carvalho & Mitchell**

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19
20
21 /s/ Heather M. Caliguire
22 An employee of IQBAL LAW PLLC
23
24
25
26
27

EXHIBIT B

JNB00293

Grant & Associates
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RSPN
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Annalisa.Grant@aig.com

Attorney for Defendant,
LANDRY'S, INC.

DISTRICT COURT
CLARK COUNTY, NEVADA

* * *

JOE N. BROWN, an individual, and his Wife,
NETTIE J. BROWN, an individual,
Plaintiffs,

vs.

LANDRY'S, INC., a foreign corporation;
GOLDEN NUGGET, INC. a Nevada
corporation, d/b/a GOLDEN NUGGET
LAUGHLIN; GNL, CORP., a Nevada
corporation; DOE INDIVIDUALS 1-100,
ROE BUSINESS ENTITIES 1-100,

Defendants.

CASE NO.: A-16-739887-C
DEPT. NO.: XXXI

DEFENDANT LANDRY'S, INC.'S
RESPONSES TO PLAINTIFFS' FIRST
SET OF INTERROGATORIES

COMES NOW, Defendant LANDRY'S, INC. (hereinafter "Defendant"), by and through
its attorney, Annalisa N. Grant, Esq., of the law firm of GRANT & ASSOCIATES, and
pursuant to Rule 33, of the Nevada Rules of Civil Procedure, hereby submits its responses to
Plaintiffs' First Set of Interrogatories as follows:

GENERAL OBJECTIONS

1. This responding party objects to the Definitions and Instructions contained in
Plaintiff's First Set of Interrogatories to the extent they are inconsistent with or purport to
impose requirements for discovery that exceed the requirements of the Nevada Rules of Civil
Procedure and to the extent that such Definitions and Instructions are unduly vague and
indefinite.

///

2. This responding party objects to each Interrogatory to the extent it calls for the production for privileged information, including information protected by the attorney-client privilege, investigative privilege, consulting expert exemption, documents containing work product and documents prepared in anticipation of litigation or trial, as well as information contained within documents covered by the joint defense privilege. This responding party further objects to each interrogatory to the extent it seeks the disclosure of the identities of, or any work generated by non-testifying consulting experts retained by or at the direction of this responding party's attorneys in anticipation of preparation for this and/or other threatened or pending litigation arising out of the subject property, or in connection with the rendering of legal advice to this responding party. The restatement of any specific objection in the context of these responses shall not be construed to imply waiver of any unstated privilege objections addressed by this General Objection, or any other applicable privilege or exemption from discovery and the counterparts under the laws of any other jurisdiction that may be applicable.

3. This responding party objects to each Interrogatory to the extent that it seeks to impose a burden upon this responding party to search for documents or information in the possession, custody or control of entities other than this responding party for the reason that such is overly broad and beyond the scope of discovery allowed by the Nevada Rules of Civil Procedure. This responding party also objects to any effort to require it to search for documents or information in the possession, custody or control of unnamed entities other than this responding party, including but not limited to information in the possession, custody or control of public entities, for the reason that such is unduly burdensome, expensive, harassing and beyond the obligations imposed by the Nevada Rules of Civil Procedure.

4. This responding party objects to each Interrogatory to the extent it is overly broad, burdensome and oppressive, and seeks information neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. This responding party has performed a reasonable inquiry in search of information as required by the Nevada Rules of Civil Procedure and had made every reasonable effort to locate the information described herein, which effort has been made in good faith. This responding party cannot affirm, however, that all such information has been supplied. Although this responding party believes that all such information has been produced that is within this responding party possession and/or control, this responding party will supplement its responses in accordance with the applicable discovery rules in the event that this responding party discovers that it has inadvertently failed to provide information within its responses to these Interrogatories.

5. This responding party objects to each Interrogatory that uses language such as "each and every" or similar broad language. Such Interrogatories are onerous, burdensome, harassing, prejudicial and overly broad. Each Interrogatory asking "any" and "all" or "each and every" is objectionable and such an inquiry is, in essence, a request for evidence, and not discoverable information. Moreover, this responding party has no possible means of making all-encompassing identifications that such a broadly worded request requires.

6. This responding party is conducting a thorough and reasonable search of its records for information that may be responsive to Plaintiff's Interrogatories and is also contacting those persons who have knowledge of the location and/or existence of information that may be responsive. To the extent that Plaintiffs' Interrogatories or any portion thereof seek to require this responding party to take any actions other than those enumerated above, this

1 responding party objects to said request on the grounds that it is unduly burdensome and
2 oppressive and imposes obligations upon this responding party beyond those imposed by the
Nevada Rules of Civil Procedure.

3 7. Answers made herein are made solely for the purposes of this responding party's
4 responses to Plaintiff's First Set of Interrogatories. Each answer is subject to all objections as to
5 competence, relevance, materiality, propriety, admissibility, and all other objections and ground
6 to which the same statement would be subject if delivered through live testimony in court. All
7 such objections and grounds are expressly reserved by this responding party and may be
interposed at the time of trial or in conjunction with other uses of these responses or the material
produced, except as explicitly stated.

8 For any inspection and production that occurs in this case, this responding party
9 specifically reserves the right to certain maintained privilege objections as to any privileged
10 information that may be inadvertently produced in response to Plaintiff's Interrogatories.
11 Further, this responding party expects that Plaintiff and Plaintiff's counsel will return any
inadvertently produced document containing attorney-client communications, attorney work
product, or otherwise privileged information immediately.

12 **INTERROGATORY NO. 1:**

13 If YOUR answer to Request for Admission No. 1 of the Plaintiffs' First Set of Requests
14 for Admissions to Defendant Landry's Inc. was anything other than an unqualified admission,
15 DESCRIBE the process by which YOU divested YOURSELF of ownership of Golden Nugget,
16 Inc., including without limitation the dates the divestiture took place and the PERSON to whom
17 you divested such ownership.

18 **RESPONSE TO INTERROGATORY NO. 1:**

19 OBJECTION: This Interrogatory is vague, overly broad as it is not limited to alleged
20 incident, lacks foundation, assumes facts not in evidence, irrelevant, seeks confidential and
21 proprietary information and not reasonably calculated to lead to the discovery of admissible
22 evidence. OBJECTION: This Interrogatory seeks to discovery information protected by the
23 attorney/client privilege and/or the work product doctrine.

24 Subject to and without waiving the foregoing objections, this answering Defendant
25 responds as follows: On September 30, 2013, Landry's, Inc. declared a stock dividend
26 divesting of all of its shares in Landry's Gaming, Inc., including all of Landry's Gaming, Inc.'s
27 subsidiaries, which resulted in Fertitta Entertainment, Inc., owning all outstanding shares of
28

Landry's Gaming, Inc., and all of its subsidiaries. Since September 30, 2013, Landry's, Inc. neither directly nor indirectly, through one or more of its subsidiaries, owns any percent of the outstanding ownership or membership interest in Landry's Gaming, Inc., Golden Nugget, Inc. or any of Golden Nugget, Inc.'s subsidiaries.

INTERROGATORY NO. 2:

DESCRIBE each of YOUR "sporadic contacts" with the State of Nevada referenced in Defendants' Reply in Support of Motion to Dismiss at 4:16-18, from May 12, 2010, to present.

RESPONSE TO INTERROGATORY NO. 2:

OBJECTION: This Interrogatory is vague, overly broad as it is not limited to alleged incident and is not limited in time, lacks foundation, assumes facts not in evidence, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: Landry's, Inc. itself has no direct contacts with Nevada other than to update its regulatory filings and/or activities by wholly owned subsidiaries.

INTERROGATORY NO. 3:

DESCRIBE the process by which you obtained permission to add restaurants to, and upgrade the river-view rooms, in, the Golden Nugget Laughlin, as described in YOUR company website on January 14, 2012.

RESPONSE TO INTERROGATORY NO. 3:

OBJECTION: This Interrogatory is vague, overly broad as it is not limited to alleged incident, lacks foundation, assumes facts not in evidence, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: As detailed in GNL, CORP.'s answer and discovery responses, GNL, CORP. is the entity that owns, operates and controls the Golden Nugget in Laughlin, Nevada. Landry's, Inc. neither directly nor indirectly, through one or more of its subsidiaries, owns any percent of the outstanding ownership or membership interest in GNL, CORP. Furthermore, Landry's, Inc. neither directly nor indirectly, through one or more of its subsidiaries, operates or

controls GNL, CORP. Landry's, Inc.'s wholly owned subsidiaries operate restaurants inside the casino.

INTERROGATORY NO. 4:

DESCRIBE the process by you obtained permission to implement "enhanced security measures, including end-to-end encryption" at the Golden Nugget Laughlin as described in YOUR company website on January 29, 2016, including without limitation the banquet service, deli, Gold Diggers nightclub, and Starbucks.

RESPONSE TO INTERROGATORY NO. 4:

OBJECTION: This Interrogatory is vague, overly broad as it is not limited to alleged incident, lacks foundation, assumes facts not in evidence, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: As detailed in GNL, CORP.'s answer and discovery responses, GNL, CORP. is the entity that owns, operates and controls the Golden Nugget in Laughlin, Nevada. Landry's, Inc., neither directly nor indirectly, through one or more of its subsidiaries, owns any percent of the outstanding ownership or membership interest in GNL, CORP. Furthermore, Landry's, Inc. neither directly nor indirectly, through one or more of its subsidiaries, operates or controls GNL, CORP. Landry's, Inc.'s wholly owned subsidiaries operate restaurants inside the casino.

INTERROGATORY NO. 5:

DESCRIBE any change to the Golden Nugget hotel, casino, and entertainment resort in Laughlin, Nevada, which YOU authorized from September 27, 2005, to present.

RESPONSE TO INTERROGATORY NO. 5:

OBJECTION: This Interrogatory is vague, overly broad as it is not limited to alleged incident, lacks foundation, assumes facts not in evidence, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: From September 27, 2005 through September 30, 2013, GNL, CORP. was

1 a wholly owned subsidiary of Golden Nugget, Inc.; Golden Nugget, Inc. was a wholly owned
2 subsidiary of Landry's Gaming, Inc.; and Landry's Gaming, Inc. was a wholly owned
3 subsidiary of Landry's, Inc. As such, Landry's, Inc. did not authorize changes to the Golden
4 Nugget Laughlin hotel, casino and entertainment resort, but merely owned the outstanding stock
5 of parent company Landry's Gaming, Inc.

6 Furthermore, since September 30, 2013, Landry's, Inc. has neither directly nor
7 indirectly, through one or more of its subsidiaries, owned any percent of the outstanding
8 ownership or membership interest in GNL, CORP. As detailed in GNL, CORP.'s answer and
9 discovery responses, GNL, CORP. is the entity that owns, operates and controls the Golden
10 Nugget in Laughlin, Nevada.

11 **INTERROGATORY NO. 6:**

12 IDENTIFY YOUR parent corporation, if any, and any publicly held corporation owning
13 ten per cent(10%) of more of YOUR stock.

14 **RESPONSE TO INTERROGATORY NO. 6:**

15 Landry's, Inc.'s parent company is Fertitta Group, Inc. No publicly held company owns
16 10% or more of Landry's, Inc. stock.

17 DATED this 22nd day of May, 2017.

18 GRANT & ASSOCIATES

19 /s/ Annalisa N. Grant, Esq.

20 _____
21 ANNALISA N. GRANT, ESQ.
22 Nevada Bar No. 11807
23 7455 Arroyo Crossing Parkway, Suite 300
24 Las Vegas, Nevada 89113

25 Attorney for Defendant,
26 LANDRY'S, INC.
27
28

CERTIFICATE OF SERVICE

I certify that I am an employee of GRANT & ASSOCIATES and that on this 22nd day of May, 2017, I served a true and correct copy of the foregoing **DEFENDANT LANDRY'S, INC.'S RESPONSES TO PLAINTIFFS' FIRST SET OF INTERROGATORIES** by serving as follows:

☒ Through the Court authorized electronic mail to all parties listed on the master service pursuant to Administrative Order 14-2 and Rule 9 of the NEFCR;

☐ Depositing said document(s) with the U.S. Postal Service;

addressed to the following person(s) at the address(es) listed below:

Mohamed A. Iqbal, Jr., Esq.
Christopher Mathews, Esq.
101 Convention Center Drive, Suite 1175
Las Vegas, NV 89109
Ph: 702-750-2950
Fax: 702-825-2841
mal@llawlv.com
Attorney for Plaintiffs

/s/ Diana Smith

An Employee of
GRANT & ASSOCIATES

VERIFICATION

STATE OF Texas)
) ss
COUNTY OF Harris)

I, Steve Scheinthal, being first duly sworn, under oath, upon penalties of perjury, deposes and states:

That I am Executive Vice President and General Counsel for LANDRY'S, INC., and am an authorized representative of Defendant in this matter, and I have read the above and foregoing, **DEFENDANT LANDRY'S, INC.'S RESPONSES TO PLAINTIFFS' FIRST SET OF INTERROGATORIES**, and that the responses were formed based on the knowledge of the company, its employees/agents and available documents known at the time of the responses.

FURTHER AFFIANT SAYETH NAUGHT.

DATED this 18th day of May, 2017.



LANDRY'S, INC. Authorized Agent

SUBSCRIBED and SWORN to before me

This 18th day of May, 2017.



NOTARY PUBLIC
For said County and State



JNB00301

EXHIBIT C

JNB00302

Grant & Associates
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Telephone No. (702) 940-3529
Facsimile No. (855) 429-3413

RSPN
ANNALISA N. GRANT, ESQ.
Nevada Bar No. 11807
GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Phone: (702) 940-3529
Fax: (855) 429-3413
Annalisa.Grant@aig.com

Attorney for Defendant,
LANDRY'S, INC.

DISTRICT COURT
CLARK COUNTY, NEVADA

* * *

JOE N. BROWN, an individual, and his Wife,
NETTIE J. BROWN, an individual,
Plaintiffs,

vs.

LANDRY'S, INC., a foreign corporation;
GOLDEN NUGGET, INC. a Nevada
corporation, d/b/a GOLDEN NUGGET
LAUGHLIN; GNL, CORP., a Nevada
corporation; DOE INDIVIDUALS 1-100,
ROE BUSINESS ENTITIES 1-100,

Defendants.

CASE NO.: A-16-739887-C
DEPT. NO.: XXXI

DEFENDANT LANDRY'S, INC.'S
CORRECTED RESPONSES TO
PLAINTIFFS' FIRST SET OF
INTERROGATORIES

COMES NOW, Defendant LANDRY'S, INC. (hereinafter "Defendant"), by and through
its attorney, Annalisa N. Grant, Esq., of the law firm of GRANT & ASSOCIATES, and
pursuant to Rule 33, of the Nevada Rules of Civil Procedure, hereby submits its responses to
Plaintiffs' First Set of Interrogatories as follows:

GENERAL OBJECTIONS

1. This responding party objects to the Definitions and Instructions contained in
Plaintiff's First Set of Interrogatories to the extent they are inconsistent with or purport to
impose requirements for discovery that exceed the requirements of the Nevada Rules of Civil
Procedure and to the extent that such Definitions and Instructions are unduly vague and
indefinite.

///

2. This responding party objects to each Interrogatory to the extent it calls for the production for privileged information, including information protected by the attorney-client privilege, investigative privilege, consulting expert exemption, documents containing work product and documents prepared in anticipation of litigation or trial, as well as information contained within documents covered by the joint defense privilege. This responding party further objects to each interrogatory to the extent it seeks the disclosure of the identities of, or any work generated by non-testifying consulting experts retained by or at the direction of this responding party's attorneys in anticipation of preparation for this and/or other threatened or pending litigation arising out of the subject property, or in connection with the rendering of legal advice to this responding party. The restatement of any specific objection in the context of these responses shall not be construed to imply waiver of any unstated privilege objections addressed by this General Objection, or any other applicable privilege or exemption from discovery and the counterparts under the laws of any other jurisdiction that may be applicable.

3. This responding party objects to each Interrogatory to the extent that it seeks to impose a burden upon this responding party to search for documents or information in the possession, custody or control of entities other than this responding party for the reason that such is overly broad and beyond the scope of discovery allowed by the Nevada Rules of Civil Procedure. This responding party also objects to any effort to require it to search for documents or information in the possession, custody or control of unnamed entities other than this responding party, including but not limited to information in the possession, custody or control of public entities, for the reason that such is unduly burdensome, expensive, harassing and beyond the obligations imposed by the Nevada Rules of Civil Procedure.

4. This responding party objects to each Interrogatory to the extent it is overly broad, burdensome and oppressive, and seeks information neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. This responding party has performed a reasonable inquiry in search of information as required by the Nevada Rules of Civil Procedure and had made every reasonable effort to locate the information described herein, which effort has been made in good faith. This responding party cannot affirm, however, that all such information has been supplied. Although this responding party believes that all such information has been produced that is within this responding party possession and/or control, this responding party will supplement its responses in accordance with the applicable discovery rules in the event that this responding party discovers that it has inadvertently failed to provide information within its responses to these Interrogatories.

5. This responding party objects to each Interrogatory that uses language such as "each and every" or similar broad language. Such Interrogatories are onerous, burdensome, harassing, prejudicial and overly broad. Each Interrogatory asking "any" and "all" or "each and every" is objectionable and such an inquiry is, in essence, a request for evidence, and not discoverable information. Moreover, this responding party has no possible means of making all-encompassing identifications that such a broadly worded request requires.

6. This responding party is conducting a thorough and reasonable search of its records for information that may be responsive to Plaintiff's Interrogatories and is also contacting those persons who have knowledge of the location and/or existence of information that may be responsive. To the extent that Plaintiffs' Interrogatories or any portion thereof seek to require this responding party to take any actions other than those enumerated above, this

1 responding party objects to said request on the grounds that it is unduly burdensome and
2 oppressive and imposes obligations upon this responding party beyond those imposed by the
Nevada Rules of Civil Procedure.

3 7. Answers made herein are made solely for the purposes of this responding party's
4 responses to Plaintiff's First Set of Interrogatories. Each answer is subject to all objections as to
5 competence, relevance, materiality, propriety, admissibility, and all other objections and ground
6 to which the same statement would be subject if delivered through live testimony in court. All
7 such objections and grounds are expressly reserved by this responding party and may be
interposed at the time of trial or in conjunction with other uses of these responses or the material
produced, except as explicitly stated.

8 For any inspection and production that occurs in this case, this responding party
9 specifically reserves the right to certain maintained privilege objections as to any privileged
10 information that may be inadvertently produced in response to Plaintiff's Interrogatories.
11 Further, this responding party expects that Plaintiff and Plaintiff's counsel will return any
inadvertently produced document containing attorney-client communications, attorney work
product, or otherwise privileged information immediately.

12 **INTERROGATORY NO. 1:**

13 If YOUR answer to Request for Admission No. 1 of Plaintiffs' First Set of Requests for
14 Admissions to Defendant Landry's Inc. was anything other than an unqualified admission,
15 DESCRIBE the process by which YOU divested YOURSELF of ownership of Golden Nugget,
16 Inc., including without limitation the dates the divestiture took place and the PERSON to whom
17 you divested such ownership.

18 **RESPONSE TO INTERROGATORY NO. 1:**

19 OBJECTION: This Interrogatory is vague, overly broad as it is not limited to alleged
20 incident, lacks foundation, assumes facts not in evidence, irrelevant, seeks confidential and
21 proprietary information and not reasonably calculated to lead to the discovery of admissible
22 evidence. OBJECTION: This Interrogatory seeks to discovery information protected by the
23 attorney/client privilege and/or the work product doctrine.

24 Subject to and without waiving the foregoing objections, this answering Defendant
25 responds as follows: On September 30, 2013, Landry's, Inc. declared a stock dividend
26 divesting of all of its shares in Landry's Gaming, Inc., including all of Landry's Gaming, Inc.'s
27 subsidiaries, which resulted in Fertitta Entertainment, Inc., owning all outstanding shares of
28

Landry's Gaming, Inc., and all of its subsidiaries. Since September 30, 2013, Landry's, Inc. neither directly nor indirectly, through one or more of its subsidiaries, owns any percent of the outstanding ownership or membership interest in Landry's Gaming, Inc., Golden Nugget, Inc. or any of Golden Nugget, Inc.'s subsidiaries.

INTERROGATORY NO. 2:

DESCRIBE each of YOUR "sporadic contacts" with the State of Nevada referenced in Defendants' Reply in Support of Motion to Dismiss at 4:16-18, from May 12, 2010, to present.

RESPONSE TO INTERROGATORY NO. 2:

OBJECTION: This Interrogatory is vague, overly broad as it is not limited to alleged incident and is not limited in time, lacks foundation, assumes facts not in evidence, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: Landry's, Inc. itself has no direct contacts with Nevada other than to update its regulatory filings and/or activities by wholly owned subsidiaries.

INTERROGATORY NO. 3:

DESCRIBE the process by which you obtained permission to add restaurants to, and upgrade the river-view rooms in, the Golden Nugget Laughlin, as described in YOUR company website on January 14, 2012.

RESPONSE TO INTERROGATORY NO. 3:

OBJECTION: This Interrogatory is vague, overly broad as it is not limited to alleged incident, lacks foundation, assumes facts not in evidence, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: As detailed in GNL, CORP.'s answer and discovery responses, GNL, CORP. is the entity that owns, operates and controls the Golden Nugget in Laughlin, Nevada. Landry's, Inc. neither directly nor indirectly, through one or more of its subsidiaries, owns any percent of the outstanding ownership or membership interest in GNL, CORP. Furthermore, Landry's, Inc. neither directly nor indirectly, through one or more of its subsidiaries, operates or

controls GNL, CORP. Landry's, Inc.'s wholly owned subsidiaries operate restaurants inside the casino.

INTERROGATORY NO. 4:

DESCRIBE the process by you obtained permission to implement "enhanced security measures, including end-to-end encryption" at the Golden Nugget Laughlin as described in YOUR company website on January 29, 2016, including without limitation the banquet service, deli, Gold Diggers nightclub, and Starbucks.

RESPONSE TO INTERROGATORY NO. 4:

OBJECTION: This Interrogatory is vague, overly broad as it is not limited to alleged incident, lacks foundation, assumes facts not in evidence, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: As detailed in GNL, CORP.'s answer and discovery responses, GNL, CORP. is the entity that owns, operates and controls the Golden Nugget in Laughlin, Nevada. Landry's, Inc., neither directly nor indirectly, through one or more of its subsidiaries, owns any percent of the outstanding ownership or membership interest in GNL, CORP. Furthermore, Landry's, Inc. neither directly nor indirectly, through one or more of its subsidiaries, operates or controls GNL, CORP. Landry's, Inc.'s wholly owned subsidiaries operate restaurants inside the casino.

INTERROGATORY NO. 5:

DESCRIBE any change to the Golden Nugget hotel, casino, and entertainment resort in Laughlin, Nevada, which YOU authorized from September 27, 2005, to present.

RESPONSE TO INTERROGATORY NO. 5:

OBJECTION: This Interrogatory is vague, overly broad as it is not limited to alleged incident, lacks foundation, assumes facts not in evidence, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: From September 27, 2005 through September 30, 2013, GNL, CORP. was

1 a wholly owned subsidiary of Golden Nugget, Inc.; Golden Nugget, Inc. was a wholly owned
2 subsidiary of Landry's Gaming, Inc.; and Landry's Gaming, Inc. was a wholly owned
3 subsidiary of Landry's, Inc. As such, Landry's, Inc. did not authorize changes to the Golden
4 Nugget Laughlin hotel, casino and entertainment resort, but merely owned the outstanding stock
5 of parent company Landry's Gaming, Inc.

6 Furthermore, since September 30, 2013, Landry's, Inc. has neither directly nor
7 indirectly, through one or more of its subsidiaries, owned any percent of the outstanding
8 ownership or membership interest in GNL, CORP. As detailed in GNL, CORP.'s answer and
9 discovery responses, GNL, CORP. is the entity that owns, operates and controls the Golden
10 Nugget in Laughlin, Nevada.

11 **INTERROGATORY NO. 6:**

12 IDENTIFY YOUR parent corporation, if any, and any publicly held corporation owning
13 ten per cent (10%) or more of YOUR stock.

14 **RESPONSE TO INTERROGATORY NO. 6:**

15 Landry's, Inc.'s parent company is Fertitta Group, Inc. No publicly held company owns
16 10% or more of Landry's, Inc. stock.

17 DATED this 10th day of July, 2017.

18 GRANT & ASSOCIATES

19 /s/ Annalisa N. Grant, Esq.

20 _____
21 ANNALISA N. GRANT, ESQ.

22 Nevada Bar No. 11807

23 7455 Arroyo Crossing Parkway, Suite 300

24 Las Vegas, Nevada 89113

25 Attorney for Defendant,

26 LANDRY'S, INC.

CERTIFICATE OF SERVICE

I certify that I am an employee of GRANT & ASSOCIATES and that on this 10th day of July, 2017, I served a true and correct copy of the foregoing **DEFENDANT LANDRY'S, INC.'S CORRECTED RESPONSES TO PLAINTIFFS' FIRST SET OF INTERROGATORIES** by serving as follows:

☒ Through the Court authorized electronic mail to all parties listed on the master service pursuant to Administrative Order 14-2 and Rule 9 of the NEFCR;

☐ Depositing said document(s) with the U.S. Postal Service;

addressed to the following person(s) at the address(es) listed below:

Mohamed A. Iqbal, Jr., Esq.
Christopher Mathews, Esq.
101 Convention Center Drive, Suite 1175
Las Vegas, NV 89109
Ph: 702-750-2950
Fax: 702-825-2841
mal@llawlv.com
Attorney for Plaintiffs

/s/ Diana Smith

An Employee of
GRANT & ASSOCIATES

VERIFICATION

STATE OF TEXAS)
COUNTY OF HARRIS) ss

I, Steve Scheinthal, being first duly sworn, under oath, upon penalties of perjury, deposes and states:

That I am Executive Vice President and General Counsel for LANDRY'S, INC., and am an authorized representative of Defendant in this matter, and I have read the above and foregoing, **DEFENDANT LANDRY'S, INC.'S CORRECTED RESPONSES TO PLAINTIFFS' FIRST SET OF INTERROGATORIES**, and that the responses were formed based on the knowledge of the company, its employees/agents and available documents known at the time of the responses.

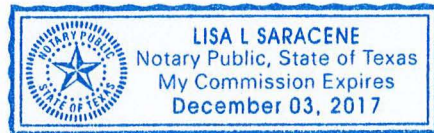
FURTHER AFFIANT SAYETH NAUGHT.

DATED this 7th day of July, 2017.

[Signature]
LANDRY'S, INC. Authorized Agent

SUBSCRIBED and SWORN to before me

This 7 day of July, 2017.



[Signature]
NOTARY PUBLIC
For said County and State

JNB00310

EXHIBIT D

JNB00311

1 IQBAL LAW PLLC
Mohamed A. Iqbal, Jr. (NSB #10623)
2 Christopher Mathews (NSB #10674)
101 Convention Center Dr., Suite 1175
3 Las Vegas, Nevada 89109
1-(702) 750-2950 (Tel); 1-(702) 825-2841 (V-Fax)
4 mai@ilawlv.com cxm@ilawlv.com
5 *Attorneys for Plaintiffs Joe N. Brown and Nettie J. Brown*

6 **DISTRICT COURT**
CLARK COUNTY, NEVADA

8 JOE N. BROWN, an individual, and his Wife,
NETTIE J. BROWN, an individual,

9 Plaintiffs,

10 vs.

11 LANDRY’S, INC., a foreign corporation;
GOLDEN NUGGET, INC, a Nevada
12 corporation, d/b/a GOLDEN NUGGET
LAUGHLIN; GNL, CORP.; DOE
13 INDIVIDUALS 1-100; ROE BUSINESS
ENTITIES 1-100,

14 Defendants.

15 AND ASSOCIATED CASES

Case No.: A-16-739887-C

Dept. No.: XXXI

**PLAINTIFFS JOE N. BROWN’S AND
NETTIE J. BROWN’S FIRST SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS TO LANDRY’S, INC.**

17 **TO: Defendant LANDRY’S, INC.; and**

18 **TO: LEE J. GRANT II, its counsel of record:**

19 Plaintiffs Joe N. Brown and Nettie J. Brown, pursuant to Nevada Rules of Civil
20 Procedure (“NRCP”) 34, hereby request that Defendant Landry’s, Inc. produce for inspection the
21 documents and things identified herein in accordance with all applicable Rules and the
22 Definitions and Instructions set forth below within thirty (30) calendar days after being served.

23 These requests are continuing, requiring prompt supplemental answers if further events
24 occur or if further information is obtained, developed, or disclosed between the time these
25 requests are first answered and the time of adjudication.

26 ///

27 ///

28 **PLAINTIFFS’ FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS**

ILAW

DEFINITIONS

1. “DOCUMENT” or “DOCUMENTS” means any writing or writings as defined by NRC 34 and includes writings, drawings, graphs, charts, photographs, audio recordings, and other data compilations from which information can be obtained and/or translated, if necessary, by the responding party through detection devices into reasonably usable form. The terms “DOCUMENT” and “DOCUMENTS” include any comment or notation appearing on any such writing and not part of the original text. A DOCUMENT including such a comment or notation is considered a separate DOCUMENT.
“DOCUMENT” or “DOCUMENTS” refer to any document now or at any time in YOUR possession, custody or control. A person is deemed in control of a DOCUMENT if the person has any ownership, possession or custody of the DOCUMENT or the right to secure the DOCUMENT or a copy thereof from any person or public or private entity having physical possession thereof. “DOCUMENTS” shall not include exact duplicates where originals are available, but shall include all copies different from originals in any way by virtue of any writings, notations, symbols, characters, impressions, or any marks thereon in any form.
2. “WRITINGS” and “RECORDINGS” as defined by Nevada Revised Statute 52.225, mean ANY letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photographing, magnetic impulse, mechanical or electronic recording, or other form of data compilation.
3. The terms “YOU” and “YOUR” mean Defendant LANDRY’S, INC.
4. A reference to a “PERSON” or “PEOPLE” includes any individual, corporation, partnership, joint venture, limited liability company, governmental entity, unincorporated organization, trust, association or other entity responsive to the description in the request, and includes all of that person’s principals, employees, agents, attorneys, consultants and other representatives.



- 1 5. To “DESCRIBE” means to relate in detail sufficient to distinguish the method,
2 procedure, person, place, or thing from all other similar methods, procedures, persons,
3 places, or things.
- 4 6. “RELATE” and “RELATING,” and the terms “CONCERN” and “CONCERNING,” mean
5 consisting of, referring to, reflecting, describing, evidencing or constituting or being in
6 any way logically or factually connected with the matter discussed.
- 7 7. “COMMUNICATION” or “COMMUNICATIONS” mean the transmittal of information
8 (in the form of facts, ideas, inquiries or otherwise) whether orally, in writing or
9 otherwise.
- 10 8. The terms “AND” and “OR” shall be construed either conjunctively or disjunctively as
11 necessary to bring within the scope of the request all responses that might otherwise fall
12 outside the scope of the request.
- 13 9. The terms “ALL,” “ANY,” and “EACH” encompass any and all of the matter discussed.
- 14 10. The use of singular form includes plural and vice versa.
- 15 11. The use of present tense includes past tense, and vice versa.

16 INSTRUCTIONS

- 17 1. All production of DOCUMENTS and objections to the production of DOCUMENTS
18 requested herein shall be made in writing and delivered to the office of IQBAL LAW
19 PLLC, 101 CONVENTION CENTER DRIVE, SUITE 1175, LAS VEGAS, NEVADA
20 89109, on or before 5:00 pm PST on the date set for production.
- 21 2. Pursuant to the NRCP 34(2)(E)(i), the DOCUMENTS, WRITINGS, and/or
22 RECORDINGS to be produced must be produced as they are kept in the usual course of
23 business or must be organized and labeled to correspond to the categories in the relevant
24 request for production.
- 25 3. To the extent possible, please produce all DOCUMENTS, WRITINGS, and/or
26 RECORDINGS in electronic form either on compact disc or in cloud storage.



- 1 4. Electronically stored information must be produced in PDF format with load files
2 containing the COMMUNICATION's and/or DOCUMENT's text and all available
3 metadata.
- 4 5. All DOCUMENTS are to be produced as they are kept in the usual course of business
5 with any identifying labels, file folders, file markings, or similar identifying features, or
6 shall be organized and labeled to correspond to the categories requested herein. If there
7 are no DOCUMENTS responsive to a particular request, Defendant LANDRY'S, INC.
8 shall state so in writing.
- 9 6. These requests call for the production of all responsive DOCUMENTS in YOUR
10 possession, custody or control, or in the possession, custody, or control of any of YOUR
11 employees, predecessors, successors, parents, subsidiaries, divisions, affiliates, partners,
12 joint ventures, brokers, attorneys, accountants, financial advisors, representatives and
13 agents or other persons acting on YOUR behalf, without regard to the physical location
14 of such DOCUMENTS. In responding to these requests, include DOCUMENTS
15 obtained on YOUR behalf by YOUR counsel, employees, agents or any other persons
16 acting on YOUR behalf. If YOUR response is that the DOCUMENTS are not within
17 YOUR possession or custody, describe in detail the unsuccessful efforts YOU made to
18 locate each such DOCUMENT. If your response is that DOCUMENTS are not under
19 YOUR control, IDENTIFY the PERSON(s) with control of the DOCUMENTS presently
20 and/or knowledge of the present location of the DOCUMENTS.
- 21 7. If any DOCUMENT applicable to any request for production was, but no longer is, in
22 YOUR possession or was destroyed, subject to YOUR control or in existence, include a
23 statement:
 - 24 a. IDENTIFYING the DOCUMENT;
 - 25 b. Describing where the DOCUMENT is now and why it was lost or transferred;
 - 26 c. IDENTIFYING the PERSON(s) with control of the DOCUMENT at the time it was
27 lost or transferred;



- d. IDENTIFYING the PERSON(s) with control of or in possession of the DOCUMENT at present;
- e. Describing how the DOCUMENT became lost or destroyed or was transferred;
- f. IDENTIFYING the date of the destruction or transfer of the DOCUMENT;
- g. Describing the contents of the DOCUMENT; and
- h. IDENTIFYING each of those PERSONS responsible for or having knowledge of the loss, destruction or transfer of this DOCUMENT from YOUR possession, custody or control.

8. Each request for production contemplates production of all DOCUMENTS in their entirety. If a portion of a DOCUMENT is responsive to one or more requests, the DOCUMENT must be produced in its entirety in response to each request to which it is responsive.

9. If any DOCUMENT is withheld in whole or in part, for ANY reason including, without limitation, a claim of privilege or other protection from disclosure such as the work product doctrine or other business confidentiality or trade secret protection, set forth separately with respect to each DOCUMENT:

- a. The ground of privilege or protection claimed;
- b. Each and every basis under which the DOCUMENT is withheld;
- c. The type of DOCUMENT;
- d. Its general subject matter;
- e. The DOCUMENT's date;
- f. The author(s) of the DOCUMENT;
- g. ANY recipient of the DOCUMENT;
- h. Its present location and custodian; and
- i. The requests to which the DOCUMENT is responsive.

10. To the extent YOU assert that a DOCUMENT contains information that should be protected from disclosure (based on the attorney-client privilege, work product doctrine

1 or another protection) and non-privileged information, the non-privileged portions of the
2 DOCUMENT must be produced. For each such DOCUMENT, indicate the portion of the
3 DOCUMENT withheld by stamping the words "MATERIAL REDACTED" on the
4 DOCUMENT in an appropriate location that does not obscure the remaining text.

5 11. If there are no DOCUMENTS responsive to any particular request, as determined after a
6 reasonable and diligent investigation, YOU must state so in writing.

7 12. These requests for production are continuing in nature; in the event you become aware of
8 or acquire in your possession custody or control of additional responsive DOCUMENTS,
9 you must promptly produce such additional DOCUMENTS for inspection and copying.

10 **REQUESTS FOR PRODUCTION OF DOCUMENTS**

11 **REQUEST NO. 1:** All DOCUMENTS RELATING to YOUR divestiture of ownership of
12 Golden Nugget, Inc.

13 **REQUEST NO. 2:** All DOCUMENTS RELATING to the process by which you obtained
14 permission to add restaurants to, and upgrade the river-view rooms in, the Golden Nugget
15 Laughlin, as described in YOUR company website on January 14, 2012.

16 **REQUEST NO. 3:** All DOCUMENTS RELATING to the process by which you obtained
17 permission to implement "enhanced security measures, including end-to-end encryption" at the
18 Golden Nugget Laughlin, as described in YOUR company website on January 29, 2016,
19 including without limitation the banquet service, deli, Gold Diggers nightclub, and Starbucks.

20 **REQUEST NO. 4:** All DOCUMENTS relating to the process by which you obtained
21 permission to implement any change to the premises of the Golden Nugget hotel, casino, and
22 entertainment resort in Laughlin, Nevada, which YOU authorized or directed from September
23 27, 2005, to the present.

24 ///

25 ///

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27 ///

28 PLAINTIFFS' FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 5: All DOCUMENTS RELATING to YOUR “corporate relationship” to
GNL, Corp., referred to in Defendants’ Motion to Dismiss at 6:26-28.

Dated April 19, 2017.

IQBAL LAW PLLC

By: /s/ Mohamed A. Iqbal

Mohamed A. Iqbal, Jr. (NSB #10623)

Christopher Mathews (NSB #10674)

*Attorneys for Plaintiffs Joe N. Brown and
Nettie J. Brown*

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of IQBAL LAW PLLC, and that on this 19th day of April, 2017 I caused to be served a true and correct copy of foregoing **PLAINTIFFS JOE N. BROWN’S AND NETTIE J. BROWN’S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO LANDRY’S, INC.** in the following manner:

(ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court’s facilities to those parties listed on the Court’s Master Service List.

Grant & Associates

Contact	Email
Diana Smith	diana.smith@aig.com
Lee Grant	lee.grant@aig.com
Shannon Jory	shannon.jory@aig.com
Sydney Basham	sydney.basham@aig.com
Annalisa Grant	annalisa.grant@aig.com

Rogers Mastrangelo Carvalho & Mitchell

Margarita Moreno	rmcmfiling@rmcmlaw.com
------------------	--

/s/ Heather M. Caliguire
An employee of IQBAL LAW PLLC

EXHIBIT E

JNB00320

Grant & Associates
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
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RSPN
ANNALISA N. GRANT, ESQ.
Nevada Bar No. 11807
GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Phone: (702) 940-3529
Fax: (855) 429-3413
Annalisa.Grant@aig.com

Attorney for Defendant,
LANDRY'S, INC.

DISTRICT COURT
CLARK COUNTY, NEVADA

* * *

JOE N. BROWN, an individual, and his Wife,
NETTIE J. BROWN, an individual,
Plaintiffs,

vs.

LANDRY'S, INC., a foreign corporation;
GOLDEN NUGGET, INC. a Nevada
corporation, d/b/a GOLDEN NUGGET
LAUGHLIN; GNL, CORP., a Nevada
corporation; DOE INDIVIDUALS 1-100,
ROE BUSINESS ENTITIES 1-100,

Defendants.

CASE NO.: A-16-739887-C
DEPT. NO.: XXXI

DEFENDANT LANDRY'S, INC.'S
RESPONSES TO PLAINTIFFS' FIRST
SET OF REQUEST FOR
PRODUCTION OF DOCUMENTS

COMES NOW, Defendant LANDRY'S, INC. (hereinafter "Defendant"), by and through its attorney, Annalisa N. Grant, Esq., of the law firm of GRANT & ASSOCIATES, pursuant to Rule 34, of the Nevada Rules of Civil Procedure, and hereby submits its responses to Plaintiffs' First Set of Request for Production of Documents as follows:

PRELIMINARY STATEMENT

LANDRY'S, INC. has not yet completed its investigation and discovery of this matter. The following responses are provided to the best of LANDRY'S, INC.'S ability and understanding at this time. Discovery is continuing and LANDRY'S, INC. reserves the right to supplement these responses as additional information becomes available.

REQUEST NO. 1:

All DOCUMENTS RELATING to YOUR divestiture of ownership of Golden Nugget, Inc.

RESPONSE TO REQUEST NO. 1:

OBJECTION: This Request is vague, overly broad as it is not limited to alleged incident, lacks foundation, assumes facts not in evidence, irrelevant, seek confidential and proprietary information and not reasonably calculated to lead to the discovery of admissible evidence. OBJECTION: This Request seeks to discovery information protected by the attorney/client privilege and/or the work product doctrine.

Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: See Landry's, Inc. response to Interrogatory No. 1, fully incorporated herein.

REQUEST NO. 2:

All DOCUMENTS RELATING to the process by which you obtained permission to add restaurants to, and upgrade the river-view rooms in, the Golden Nugget Laughlin, as described in YOUR company website on January 14, 2012.

RESPONSE TO REQUEST NO. 2:

OBJECTION: This Request is vague, overly broad as it is not limited to alleged incident, lacks foundation, assumes facts not in evidence, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: See Landry's, Inc. response to Interrogatory No. 3, fully incorporated herein. No documents.

REQUEST NO. 3:

All DOCUMENTS RELATING to the process by which you obtained permission to implement "enhanced security measures, including end-to-end encryption: at the Golden Nugget Laughlin, as described in YOUR company website on January 29, 2016, including without

1 limitation the banquets service, deli, Gold Diggers nightclub, and Starbucks.

2 **RESPONSE TO REQUEST NO. 3:**

3 OBJECTION: This Request is vague, overly broad as it is not limited to alleged
4 incident, lacks foundation, assumes facts not in evidence, irrelevant, seeks highly confidential
5 and proprietary information and not reasonably calculated to lead to the discovery of admissible
6 evidence.

7 Subject to and without waiving the foregoing objections, this answering Defendant
8 responds as follows: See Landry's, Inc. response to Interrogatory No. 4, fully incorporated
9 herein. No documents.

10 **REQUEST NO. 4:**

11 All DOCUMENTS relating to the process by which you obtained permission to
12 implement any change to the premises of the Golden Nugget hotel, casino, and entertainment
13 resort in Laughlin, Nevada, which YOUR authorized or directed from September 27, 2005, to
14 the present.

15 **RESPONSE TO REQUEST NO. 4:**

16 OBJECTION: This Request is vague, overly broad as it is not limited to alleged
17 incident, lacks foundation, assumes facts not in evidence, irrelevant, and not reasonably
18 calculated to lead to the discovery of admissible evidence.

19 Subject to and without waiving the foregoing objections, this answering Defendant
20 responds as follows: See Landry's, Inc. response to Interrogatory No. 5, fully incorporated
21 herein. No documents.

22 **REQUEST NO. 5:**

23 All DOCUMENTS RELATING to YOUR "corporate relationship" to GNL, Corp.,
24 referred to in Defendants' Motion to Dismiss at 6:26-28.

25 **RESPONSE TO REQUEST NO. 5:**

26 OBJECTION: This Request is vague, overly broad as it is not limited to alleged
27 incident, lacks foundation, assumes facts not in evidence, irrelevant, and not reasonably
28

1 calculated to lead to the discovery of admissible evidence.

2 Subject to and without waiving the foregoing objections, this answering Defendant
3 responds as follows: As set forth in Landry's, Inc.'s response to Interrogatory No. 1, as of
4 September 30, 2013, Landry's, Inc. neither directly nor indirectly, through one or more of its
5 subsidiaries, owns any percent of the outstanding ownership or membership interest in Landry's
6 Gaming, Inc., Golden Nugget, Inc., or any of Golden Nugget, Inc.'s subsidiaries (including
7 GNL, CORP.). As such, none.

8 DATED this 22nd day of May, 2017.

9 GRANT & ASSOCIATES

10 /s/ Annalisa N. Grant, Esq.

11 _____
12 ANNALISA N. GRANT, ESQ.
13 Nevada Bar No. 11807
14 7455 Arroyo Crossing Parkway, Suite 300
15 Las Vegas, Nevada 89113

16 Attorney for Defendant,
17 LANDRY'S, INC.
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CERTIFICATE OF SERVICE

I certify that I am an employee of GRANT & ASSOCIATES and that on this 22nd day of May, 2017, I served a true and correct copy of the foregoing **DEFENDANT LANDRY'S, INC.'S RESPONSES TO PLAINTIFFS' FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS** by serving as follows:

☒ Through the Court authorized electronic mail to all parties listed on the master service pursuant to Administrative Order 14-2 and Rule 9 of the NEFCR;

☐ Depositing said document(s) with the U.S. Postal Service;

addressed to the following person(s) at the address(es) listed below:

Mohamed A. Iqbal, Jr., Esq.
Christopher Mathews, Esq.
101 Convention Center Drive, Suite 1175
Las Vegas, NV 89109
Ph: 702-750-2950
Fax: 702-825-2841
mal@llawlv.com
Attorney for Plaintiffs

/s/ Diana Smith

An Employee of
GRANT & ASSOCIATES

EXHIBIT F

JNB00326

IQBAL LAW PLLC
Mohamed A. Iqbal, Jr. (NSB #10623)
Christopher Mathews (NSB #10674)
101 Convention Center Dr., Suite 1175
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1-(702) 750-2950 (Tel); 1-(702) 825-2841 (V-Fax)
mai@ilawlv.com cxm@ilawlv.com
Attorneys for Plaintiffs Joe N. Brown and Nettie J. Brown

**DISTRICT COURT
CLARK COUNTY, NEVADA**

JOE N. BROWN, an individual, and his Wife,
NETTIE J. BROWN, an individual

Plaintiffs,

vs.

LANDRY’S, INC., a foreign corporation;
GOLDEN NUGGET, INC, a Nevada
corporation, d/b/a GOLDEN NUGGET
LAUGHLIN; GNL, CORP.; DOE
INDIVIDUALS 1-100; ROE BUSINESS
ENTITIES 1-100,

Defendants.

AND ASSOCIATED CASES

Case No.: A-16-739887-C
Dept. No.: XXXI

**PLAINTIFFS JOE N. BROWN’S AND
NETTIE J. BROWN’S FIRST SET OF
INTERROGATORIES TO DEFENDANT
GOLDEN NUGGET, INC.**

TO: Defendant GOLDEN NUGGET, INC.; and

TO: LEE J. GRANT II, its counsel of record:

Plaintiffs Joe N. Brown and Nettie J. Brown, pursuant to Nevada Rules of Civil Procedure (“NRCP”) 26 and 33, propound the following interrogatories to Defendant Golden Nugget, Inc. Please answer each of the following interrogatories separately, fully, in writing, and under oath. The answers are to be signed by you and must be served within thirty (30) calendar days after being served.

If you object to any interrogatory, you must explain your objection with particularity, and list all factual and legal support for your objection. If you object to answering any part of any interrogatory, specify the part to which you object, and answer the remainder.

1 Each interrogatory not only calls for your knowledge, but also for all knowledge that is
2 available to you through reasonable inquiry, including by your representatives and attorney.

3 These interrogatories are continuing, requiring prompt supplemental answers if further
4 events occur or if further information is obtained, developed, or disclosed between the time these
5 interrogatories are first answered and the time of adjudication.

6 **DEFINITIONS**

- 7 1. "DOCUMENT" or "DOCUMENTS" means any writing or writings as defined by NRC P
8 34 and includes writings, drawings, graphs, charts, photographs, audio recordings, and
9 other data compilations from which information can be obtained and/or translated, if
10 necessary, by the responding party through detection devices into reasonably usable
11 form. The terms "DOCUMENT" and "DOCUMENTS" include any comment or
12 notation appearing on any such writing and not part of the original text. A DOCUMENT
13 including such a comment or notation is considered a separate DOCUMENT.

14 "DOCUMENT" or "DOCUMENTS" refer to any document now or at any time in YOUR
15 possession, custody or control. A person is deemed in control of a DOCUMENT if the
16 person has any ownership, possession or custody of the DOCUMENT or the right to
17 secure the DOCUMENT or a copy thereof from any person or public or private entity
18 having physical possession thereof. "DOCUMENTS" shall not include exact duplicates
19 where originals are available, but shall include all copies different from originals in any
20 way by virtue of any writings, notations, symbols, characters, impressions, or any marks
21 thereon in any form.

- 22 2. "WRITINGS" and "RECORDINGS" as defined by NRS 52.225, mean ANY letters,
23 words, or numbers, or their equivalent, set down by handwriting, typewriting, printing,
24 photostating, photographing, magnetic impulse, mechanical or electronic recording, or
25 other form of data compilation.

- 26 3. The terms "YOU" and "YOUR" mean Defendant GOLDEN NUGGET, INC.

- 1 4. A reference to a “PERSON” or “PEOPLE” includes any individual, corporation,
2 partnership, joint venture, limited liability company, governmental entity, unincorporated
3 organization, trust, association or other entity responsive to the description in the request,
4 and includes all of that person’s principals, employees, agents, attorneys, consultants and
5 other representatives.
- 6 5. To “DESCRIBE” means to relate in detail sufficient to distinguish the method,
7 procedure, person, place, or thing from all other similar methods, procedures, persons,
8 places, or things.
- 9 6. With respect to a PERSON (which term includes any individual, corporation, partnership,
10 joint venture, limited liability company, governmental entity, unincorporated
11 organization, trust, association or other entity responsive to the description in the
12 request), the term “IDENTIFY” and means to set forth the following information:
- 13 a. The name or names of the PERSON requested;
14 b. That PERSON’s name, address, or other contact information; and
15 c. Any other descriptive information necessary in order to adequately describe that
16 PERSON or those people.
- 17 7. The term “IDENTIFY” when used in reference to property means to state to the fullest
18 extent possible the street address, city, and state in which it is situated, and the common
19 name used for the property if there is one. Otherwise DESCRIBE the property and its
20 location if the identification asked for in the preceding sentence is not possible.
- 21 8. The terms “AND” and “OR” shall be construed either conjunctively or disjunctively as
22 necessary to bring within the scope of the request all responses that might otherwise fall
23 outside the scope of the request.
- 24 9. The terms “ALL,” “ANY,” and “EACH” encompass any and all of the matter discussed.
- 25 10. The use of singular form includes plural and vice versa.
- 26 11. The use of present tense includes past tense, and vice versa.

27 **INTERROGATORIES**

28 **PLAINTIFFS’ FIRST SET OF INTERROGATORIES**

INTERROGATORY NO. 1: If YOUR answer to Request for Admission No. 1 of Plaintiffs' First Set of Requests for Admissions to Defendant Golden Nugget, Inc. was anything other than an unqualified admission, DESCRIBE the process by which YOU divested YOURSELF of ownership and/or operation of the Golden Nugget hotel, casino, and entertainment resort in Laughlin, Nevada, including without limitation the dates the divestiture took place and the PERSON to whom you divested such ownership and/or operation.

INTERROGATORY NO. 2: IDENTIFY all properties and/or entities for which you claim to be "a holding company" as stated in Defendants' Motion to Dismiss at 3:19-21, including without limitation the name(s) of each property and/or entity you claim to hold, the means by which you claim to hold said properties and/or entities, and the beneficial owner for whom you claim to hold said properties and/or entities.

INTERROGATORY NO. 3: IDENTIFY YOUR parent corporation, if any, and any publicly held corporation owning ten per cent (10%) or more of YOUR stock.

INTERROGATORY NO. 4: DESCRIBE YOUR "corporate relationship" to GNL, Corp., referred to in Defendants' Motion to Dismiss at 6:26-28.

Dated April 19, 2017.

IQBAL LAW PLLC

By: /s/ Mohamed A. Iqbal
Mohamed A. Iqbal, Jr. (NSB #10623)
Christopher Mathews (NSB #10674)
*Attorneys for Plaintiffs Joe N. Brown and
Nettie J. Brown*

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of IQBAL LAW PLLC, and that on this 19th day of April, 2017 I caused to be served a true and correct copy of foregoing **PLAINTIFFS JOE N. BROWN’S AND NETTIE J. BROWN’S FIRST SET OF INTERROGATORIES TO DEFENDANT GOLDEN NUGGET, INC.** in the following manner:

(ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court’s facilities to those parties listed on the Court’s Master Service List.

Grant & Associates

Contact	Email
Diana Smith	diana.smith@aig.com
Lee Grant	lee.grant@aig.com
Shannon Jory	shannon.jory@aig.com
Sydney Basham	sydney.basham@aig.com
Annalisa Grant	annalisa.grant@aig.com

Rogers Mastrangelo Carvalho & Mitchell

Margarita Moreno	rmcmfiling@rmcmlaw.com
------------------	--

/s/ Heather M. Caliguire
An employee of IQBAL LAW PLLC

EXHIBIT G

JNB00332

Grant & Associates
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Annalisa.Grant@aig.com

Attorney for Defendant,
GOLDEN NUGGET, INC.

DISTRICT COURT
CLARK COUNTY, NEVADA

* * *

JOE N. BROWN, an individual, and his Wife,
NETTIE J. BROWN, an individual,
Plaintiffs,

vs.

LANDRY'S, INC., a foreign corporation;
GOLDEN NUGGET, INC. a Nevada
corporation, d/b/a GOLDEN NUGGET
LAUGHLIN; GNL, CORP., a Nevada
corporation; DOE INDIVIDUALS 1-100,
ROE BUSINESS ENTITIES 1-100,

Defendants.

CASE NO.: A-16-739887-C
DEPT. NO.: XXXI

**DEFENDANT GOLDEN NUGGET,
INC.'S RESPONSES TO PLAINTIFFS'
FIRST SET OF INTERROGATORIES**

COMES NOW, Defendant GOLDEN NUGGET, INC. (hereinafter "Defendant"), by
and through its attorney, Annalisa N. Grant, Esq., of the law firm of GRANT & ASSOCIATES,
and pursuant to Rule 33, of the Nevada Rules of Civil Procedure, hereby submits its responses
to Plaintiffs' First Set of Interrogatories as follows:

GENERAL OBJECTIONS

1. This responding party objects to the Definitions and Instructions contained in
Plaintiff's First Set of Interrogatories to the extent they are inconsistent with or purport to
impose requirements for discovery that exceed the requirements of the Nevada Rules of Civil
Procedure and to the extent that such Definitions and Instructions are unduly vague and
indefinite.

...

2. This responding party objects to each Interrogatory to the extent it calls for the production for privileged information, including information protected by the attorney-client privilege, investigative privilege, consulting expert exemption, documents containing work product and documents prepared in anticipation of litigation or trial, as well as information contained within documents covered by the joint defense privilege. This responding party further objects to each interrogatory to the extent it seeks the disclosure of the identities of, or any work generated by non-testifying consulting experts retained by or at the direction of this responding party's attorneys in anticipation of preparation for this and/or other threatened or pending litigation arising out of the subject property, or in connection with the rendering of legal advice to this responding party. The restatement of any specific objection in the context of these responses shall not be construed to imply waiver of any unstated privilege objections addressed by this General Objection, or any other applicable privilege or exemption from discovery and the counterparts under the laws of any other jurisdiction that may be applicable.

3. This responding party objects to each Interrogatory to the extent that it seeks to impose a burden upon this responding party to search for documents or information in the possession, custody or control of entities other than this responding party for the reason that such is overly broad and beyond the scope of discovery allowed by the Nevada Rules of Civil Procedure. This responding party also objects to any effort to require it to search for documents or information in the possession, custody or control of unnamed entities other than this responding party, including but not limited to information in the possession, custody or control of public entities, for the reason that such is unduly burdensome, expensive, harassing and beyond the obligations imposed by the Nevada Rules of Civil Procedure.

4. This responding party objects to each Interrogatory to the extent it is overly broad, burdensome and oppressive, and seeks information neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. This responding party has performed a reasonable inquiry in search of information as required by the Nevada Rules of Civil Procedure and had made every reasonable effort to locate the information described herein, which effort has been made in good faith. This responding party cannot affirm, however, that all such information has been supplied. Although this responding party believes that all such information has been produced that is within this responding party possession and/or control, this responding party will supplement its responses in accordance with the applicable discovery rules in the event that this responding party discovers that it has inadvertently failed to provide information within its responses to these Interrogatories.

5. This responding party objects to each Interrogatory that uses language such as "each and every" or similar broad language. Such Interrogatories are onerous, burdensome, harassing, prejudicial and overly broad. Each Interrogatory asking "any" and "all" or "each and every" is objectionable and such an inquiry is, in essence, a request for evidence, and not discoverable information. Moreover, this responding party has no possible means of making all-encompassing identifications that such a broadly worded request requires.

6. This responding party is conducting a thorough and reasonable search of its records for information that may be responsive to Plaintiff's Interrogatories and is also contacting those persons who have knowledge of the location and/or existence of information that may be responsive. To the extent that Plaintiffs' Interrogatories or any portion thereof seek to require this responding party to take any actions other than those enumerated above, this

1 responding party objects to said request on the grounds that it is unduly burdensome and
2 oppressive and imposes obligations upon this responding party beyond those imposed by the
Nevada Rules of Civil Procedure.

3 7. Answers made herein are made solely for the purposes of this responding party's
4 responses to Plaintiff's First Set of Interrogatories. Each answer is subject to all objections as to
5 competence, relevance, materiality, propriety, admissibility, and all other objections and ground
6 to which the same statement would be subject if delivered through live testimony in court. All
7 such objections and grounds are expressly reserved by this responding party and may be
interposed at the time of trial or in conjunction with other uses of these responses or the material
produced, except as explicitly stated.

8 For any inspection and production that occurs in this case, this responding party
9 specifically reserves the right to certain maintained privilege objections as to any privileged
10 information that may be inadvertently produced in response to Plaintiff's Interrogatories.
11 Further, this responding party expects that Plaintiff and Plaintiff's counsel will return any
inadvertently produced document containing attorney-client communications, attorney work
product, or otherwise privileged information immediately.

12 **INTERROGATORY NO. 1:**

13 If YOUR answer to Request for Admission No. 1 of the Plaintiffs' First Set of Requests
14 for Admissions to Defendant Golden Nugget, Inc. was anything other than an unqualified
15 admission, DESCRIBE the process by which YOU divested YOURSELF of ownership of
16 Golden Nugget hotel, casino, and entertainment resort in Laughlin, Nevada, including without
17 limitation the dates the divestiture took place and the PERSON to whom you divested such
18 ownership.

19 **RESPONSE TO INTERROGATORY NO. 1:**

20 OBJECTION: This Interrogatory is vague, overly broad as it is not limited to alleged
21 incident, lacks foundation, assumes facts not in evidence, irrelevant, seeks confidential and
22 proprietary information and not reasonably calculated to lead to the discovery of admissible
23 evidence. OBJECTION: This Interrogatory seeks to discovery information protected by the
24 attorney/client privilege and/or the work product doctrine.

25 Subject to and without waiving the foregoing objections, this answering Defendant
26 responds as follows: Golden Nugget, Inc. is a holding company that owns the outstanding stock
27 of, among other companies, GNL, CORP. Golden Nugget, Inc. does not directly own, control,
28 or operate the Golden Nugget Hotel and Casino in Laughlin Nevada. As detailed in GNL,

CORP.'s answer and discovery responses, GNL, CORP. is the only entity that owns, operates and controls the Golden Nugget in Laughlin, Nevada.

INTERROGATORY NO. 2:

IDENTIFY all properties and/or entities for which you claim to be "a holding company" as stated in Defendants' Motion to Dismiss at 3:19-21, including without limitation the name(s) of each property and/or entity you claim to hold, the means by which you claim to hold said properties and/or entities, and the beneficial owner for whom you claim to hold said properties and/or entities.

RESPONSE TO INTERROGATORY NO. 2:

OBJECTION: This Interrogatory is vague, overly broad as it is not limited to alleged incident and is not limited in time, lacks foundation, assumes facts not in evidence, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. FURTHER OBJECTION: This Interrogatory seeks confidential and/or proprietary information potentially protected by attorney-client and/or attorney-work product privilege.

Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: Golden Nugget, Inc. is a holding company that owns the outstanding stock of GNLV, CORP; GNL, CORP.; LGE, Inc.; GNLC Holdings, Inc.; and 20% of Texas Gaming, LLC.

INTERROGATORY NO. 3:

IDENTIFY YOUR parent corporation, if any, and any publicly held corporation owning ten per cent (10%) or more of YOUR stock.

RESPONSE TO INTERROGATORY NO. 3:

Golden Nugget, Inc.'s parent company is Landry's Gaming, Inc. and no publicly held corporation owns 10% or more of Golden Nugget, Inc.'s stock.

INTERROGATORY NO. 4:

DESCRIBE YOUR "corporate relationship" to GNL, Corp., referred to in Defendants' Motion to Dismiss at 6:26-28.

...

RESPONSE TO INTERROGATORY NO. 4:

OBJECTION: This Interrogatory is vague, overly broad as it is not limited in temporal scope or alleged incident, unduly burdensome, lacks foundation, assumes facts not in evidence, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

FURTHER OBJECTION: This Interrogatory seeks confidential and/or proprietary information potentially protected by attorney-client and/or attorney-work product privilege.

Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: Golden Nugget, Inc. is a holding company that owns the outstanding stock of, among other companies, GNL, CORP. Golden Nugget, Inc. does not directly or indirectly, manage or operate GNL, Corp. All day-to-day activities relating to the operation and management are conducted by GNL, Corp. employees.

DATED this 22nd day of May, 2017.

GRANT & ASSOCIATES

/s/ Annalisa N. Grant, Esq.

ANNALISA N. GRANT, ESQ.
Nevada Bar No. 11807
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113

Attorney for Defendant,
GOLDEN NUGGET, INC.

CERTIFICATE OF SERVICE

I certify that I am an employee of GRANT & ASSOCIATES and that on this 22nd day of May, 2017, I served a true and correct copy of the foregoing **DEFENDANT GOLDEN NUGGET, INC.'S RESPONSES TO PLAINTIFFS' FIRST SET OF INTERROGATORIES** by serving as follows:

☒ Through the Court authorized electronic mail to all parties listed on the master service pursuant to Administrative Order 14-2 and Rule 9 of the NEFCR;

☐ Depositing said document(s) with the U.S. Postal Service;

addressed to the following person(s) at the address(es) listed below:

Mohamed A. Iqbal, Jr., Esq.
Christopher Mathews, Esq.
101 Convention Center Drive, Suite 1175
Las Vegas, NV 89109
Ph: 702-750-2950
Fax: 702-825-2841
mal@llawlv.com
Attorney for Plaintiffs

/s/ Diana Smith

An Employee of
GRANT & ASSOCIATES

Grant & Associates
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Telephone No. (702) 940-3529
Facsimile No. (855) 429-3413

VERIFICATION

STATE OF Texas)
) ss
COUNTY OF Harris)

I, Steve Scheinthal, being first duly sworn, under oath, upon penalties of perjury, deposes and states:

That I am Vice President for GOLDEN NUGGET, INC. and am an authorized representative of Defendant in this matter, and I have read the above and foregoing, **DEFENDANT GOLDEN NUGGET, INC.'S RESPONSES TO PLAINTIFFS' FIRST SET OF INTERROGATORIES**, and that the responses were formed based on the knowledge of the company, its employees/agents and available documents known at the time of the responses.

FURTHER AFFIANT SAYETH NAUGHT.

DATED this 18th day of May, 2017.

[Signature]
GOLDEN NUGGET, INC. Authorized Agent

SUBSCRIBED and SWORN to before me

This 18th day of May, 2017.

[Signature]
NOTARY PUBLIC
For said County and State



JNB00339

EXHIBIT H

JNB00340

Grant & Associates
7455 Arroyo Crossing Parkway, Suite 300
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Fax: (855) 429-3413
Annalisa.Grant@aig.com

Attorney for Defendant,
GOLDEN NUGGET, INC.

DISTRICT COURT
CLARK COUNTY, NEVADA

* * *

JOE N. BROWN, an individual, and his Wife,
NETTIE J. BROWN, an individual,
Plaintiffs,

vs.

LANDRY'S, INC., a foreign corporation;
GOLDEN NUGGET, INC. a Nevada
corporation, d/b/a GOLDEN NUGGET
LAUGHLIN; GNL, CORP., a Nevada
corporation; DOE INDIVIDUALS 1-100,
ROE BUSINESS ENTITIES 1-100,

Defendants.

CASE NO.: A-16-739887-C
DEPT. NO.: XXXI

**DEFENDANT GOLDEN NUGGET,
INC.'S CORRECTED RESPONSES
TO PLAINTIFFS' FIRST SET OF
INTERROGATORIES**

COMES NOW, Defendant GOLDEN NUGGET, INC. (hereinafter "Defendant"), by
and through its attorney, Annalisa N. Grant, Esq., of the law firm of GRANT & ASSOCIATES,
and pursuant to Rule 33, of the Nevada Rules of Civil Procedure, hereby submits its responses
to Plaintiffs' First Set of Interrogatories as follows:

GENERAL OBJECTIONS

1. This responding party objects to the Definitions and Instructions contained in
Plaintiff's First Set of Interrogatories to the extent they are inconsistent with or purport to
impose requirements for discovery that exceed the requirements of the Nevada Rules of Civil
Procedure and to the extent that such Definitions and Instructions are unduly vague and
indefinite.

...

2. This responding party objects to each Interrogatory to the extent it calls for the production for privileged information, including information protected by the attorney-client privilege, investigative privilege, consulting expert exemption, documents containing work product and documents prepared in anticipation of litigation or trial, as well as information contained within documents covered by the joint defense privilege. This responding party further objects to each interrogatory to the extent it seeks the disclosure of the identities of, or any work generated by non-testifying consulting experts retained by or at the direction of this responding party's attorneys in anticipation of preparation for this and/or other threatened or pending litigation arising out of the subject property, or in connection with the rendering of legal advice to this responding party. The restatement of any specific objection in the context of these responses shall not be construed to imply waiver of any unstated privilege objections addressed by this General Objection, or any other applicable privilege or exemption from discovery and the counterparts under the laws of any other jurisdiction that may be applicable.

3. This responding party objects to each Interrogatory to the extent that it seeks to impose a burden upon this responding party to search for documents or information in the possession, custody or control of entities other than this responding party for the reason that such is overly broad and beyond the scope of discovery allowed by the Nevada Rules of Civil Procedure. This responding party also objects to any effort to require it to search for documents or information in the possession, custody or control of unnamed entities other than this responding party, including but not limited to information in the possession, custody or control of public entities, for the reason that such is unduly burdensome, expensive, harassing and beyond the obligations imposed by the Nevada Rules of Civil Procedure.

4. This responding party objects to each Interrogatory to the extent it is overly broad, burdensome and oppressive, and seeks information neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. This responding party has performed a reasonable inquiry in search of information as required by the Nevada Rules of Civil Procedure and had made every reasonable effort to locate the information described herein, which effort has been made in good faith. This responding party cannot affirm, however, that all such information has been supplied. Although this responding party believes that all such information has been produced that is within this responding party possession and/or control, this responding party will supplement its responses in accordance with the applicable discovery rules in the event that this responding party discovers that it has inadvertently failed to provide information within its responses to these Interrogatories.

5. This responding party objects to each Interrogatory that uses language such as "each and every" or similar broad language. Such Interrogatories are onerous, burdensome, harassing, prejudicial and overly broad. Each Interrogatory asking "any" and "all" or "each and every" is objectionable and such an inquiry is, in essence, a request for evidence, and not discoverable information. Moreover, this responding party has no possible means of making all-encompassing identifications that such a broadly worded request requires.

6. This responding party is conducting a thorough and reasonable search of its records for information that may be responsive to Plaintiff's Interrogatories and is also contacting those persons who have knowledge of the location and/or existence of information that may be responsive. To the extent that Plaintiffs' Interrogatories or any portion thereof seek to require this responding party to take any actions other than those enumerated above, this

1 responding party objects to said request on the grounds that it is unduly burdensome and
2 oppressive and imposes obligations upon this responding party beyond those imposed by the
Nevada Rules of Civil Procedure.

3 7. Answers made herein are made solely for the purposes of this responding party's
4 responses to Plaintiff's First Set of Interrogatories. Each answer is subject to all objections as to
5 competence, relevance, materiality, propriety, admissibility, and all other objections and ground
6 to which the same statement would be subject if delivered through live testimony in court. All
7 such objections and grounds are expressly reserved by this responding party and may be
interposed at the time of trial or in conjunction with other uses of these responses or the material
produced, except as explicitly stated.

8 For any inspection and production that occurs in this case, this responding party
9 specifically reserves the right to certain maintained privilege objections as to any privileged
10 information that may be inadvertently produced in response to Plaintiff's Interrogatories.
11 Further, this responding party expects that Plaintiff and Plaintiff's counsel will return any
inadvertently produced document containing attorney-client communications, attorney work
product, or otherwise privileged information immediately.

12 **INTERROGATORY NO. 1:**

13 If YOUR answer to Request for Admission No. 1 of Plaintiffs' First Set of Requests for
14 Admissions to Defendant Golden Nugget, Inc. was anything other than an unqualified
15 admission, DESCRIBE the process by which YOU divested YOURSELF of ownership and/or
16 operation of the Golden Nugget hotel, casino, and entertainment resort in Laughlin, Nevada,
17 including without limitation the dates the divestiture took place and the PERSON to whom you
18 divested such ownership and/or operation.

19 **RESPONSE TO INTERROGATORY NO. 1:**

20 OBJECTION: This Interrogatory is vague, overly broad as it is not limited to alleged
21 incident, lacks foundation, assumes facts not in evidence, irrelevant, seeks confidential and
22 proprietary information and not reasonably calculated to lead to the discovery of admissible
23 evidence. OBJECTION: This Interrogatory seeks to discovery information protected by the
24 attorney/client privilege and/or the work product doctrine.

25 Subject to and without waiving the foregoing objections, this answering Defendant
26 responds as follows: Golden Nugget, Inc. is a holding company that owns the outstanding stock
27 of, among other companies, GNL, CORP. Golden Nugget, Inc. does not directly own, control,
28 or operate the Golden Nugget Hotel and Casino in Laughlin Nevada. As detailed in GNL,

CORP.'s answer and discovery responses, GNL, CORP. is the only entity that owns, operates and controls the Golden Nugget in Laughlin, Nevada.

INTERROGATORY NO. 2:

IDENTIFY all properties and/or entities for which you claim to be "a holding company" as stated in Defendants' Motion to Dismiss at 3:19-21, including without limitation the name(s) of each property and/or entity you claim to hold, the means by which you claim to hold said properties and/or entities, and the beneficial owner for whom you claim to hold said properties and/or entities.

RESPONSE TO INTERROGATORY NO. 2:

OBJECTION: This Interrogatory is vague, overly broad as it is not limited to alleged incident and is not limited in time, lacks foundation, assumes facts not in evidence, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. FURTHER OBJECTION: This Interrogatory seeks confidential and/or proprietary information potentially protected by attorney-client and/or attorney-work product privilege.

Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: Golden Nugget, Inc. is a holding company that owns the outstanding stock of GNLV, CORP; GNL, CORP.; LGE, Inc.; GNLC Holdings, Inc.; and 20% of Texas Gaming, LLC.

INTERROGATORY NO. 3:

IDENTIFY YOUR parent corporation, if any, and any publicly held corporation owning ten per cent (10%) or more of YOUR stock.

RESPONSE TO INTERROGATORY NO. 3:

Golden Nugget, Inc.'s parent company is Landry's Gaming, Inc. and no publicly held corporation owns 10% or more of Golden Nugget, Inc.'s stock.

INTERROGATORY NO. 4:

DESCRIBE YOUR "corporate relationship" to GNL, Corp., referred to in Defendants' Motion to Dismiss at 6:26-28.

...

RESPONSE TO INTERROGATORY NO. 4:

OBJECTION: This Interrogatory is vague, overly broad as it is not limited in temporal scope or alleged incident, unduly burdensome, lacks foundation, assumes facts not in evidence, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

FURTHER OBJECTION: This Interrogatory seeks confidential and/or proprietary information potentially protected by attorney-client and/or attorney-work product privilege.

Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: Golden Nugget, Inc. is a holding company that owns the outstanding stock of, among other companies, GNL, CORP. Golden Nugget, Inc. does not directly or indirectly, manage or operate GNL, Corp. All day-to-day activities relating to the operation and management are conducted by GNL, Corp. employees.

DATED this 10th day of July, 2017.

GRANT & ASSOCIATES

/s/ Annalisa N. Grant, Esq.

ANNALISA N. GRANT, ESQ.
Nevada Bar No. 11807
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113

Attorney for Defendant,
GOLDEN NUGGET, INC.

CERTIFICATE OF SERVICE

I certify that I am an employee of GRANT & ASSOCIATES and that on this 10th day of July, 2017, I served a true and correct copy of the foregoing **DEFENDANT GOLDEN NUGGET, INC.'S CORRECTED RESPONSES TO PLAINTIFFS' FIRST SET OF INTERROGATORIES** by serving as follows:

☒ Through the Court authorized electronic mail to all parties listed on the master service pursuant to Administrative Order 14-2 and Rule 9 of the NEFCR;

☐ Depositing said document(s) with the U.S. Postal Service;

addressed to the following person(s) at the address(es) listed below:

Mohamed A. Iqbal, Jr., Esq.
Christopher Mathews, Esq.
101 Convention Center Drive, Suite 1175
Las Vegas, NV 89109
Ph: 702-750-2950
Fax: 702-825-2841
mal@llawlv.com
Attorney for Plaintiffs

/s/ Diana Smith

An Employee of
GRANT & ASSOCIATES

VERIFICATION

STATE OF Texas)
) ss
COUNTY OF Harris)

I, Steve Scheinthal, being first duly sworn, under oath, upon penalties of perjury, deposes and states:

That I am Vice President for GOLDEN NUGGET, INC. and am an authorized representative of Defendant in this matter, and I have read the above and foregoing, **DEFENDANT GOLDEN NUGGET, INC.'S CORRECTED RESPONSES TO PLAINTIFFS' FIRST SET OF INTERROGATORIES**, and that the responses were formed based on the knowledge of the company, its employees/agents and available documents known at the time of the responses.


FURTHER AFFIANT SAYETH NAUGHT.

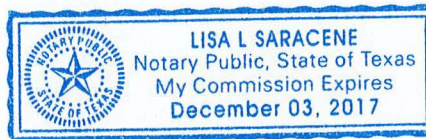
DATED this 7th day of July, 2017.


GOLDEN NUGGET, INC. Authorized Agent

SUBSCRIBED and SWORN to before me

This 7 day of July, 2017.


NOTARY PUBLIC
For said County and State



JNB00347

EXHIBIT I

JNB00348

1 IQBAL LAW PLLC
Mohamed A. Iqbal, Jr. (NSB #10623)
2 Christopher Mathews (NSB #10674)
101 Convention Center Dr., Suite 1175
3 Las Vegas, Nevada 89109
1-(702) 750-2950 (Tel); 1-(702) 825-2841 (V-Fax)
4 mai@ilawlv.com cxm@ilawlv.com
5 *Attorneys for Plaintiffs Joe N. Brown and Nettie J. Brown*

6 **DISTRICT COURT**
CLARK COUNTY, NEVADA

8 JOE N. BROWN, an individual, and his Wife, NETTIE J. BROWN, an individual, 9 Plaintiffs, 10 vs. 11 LANDRY’S, INC., a foreign corporation; GOLDEN NUGGET, INC, a Nevada 12 corporation, d/b/a GOLDEN NUGGET LAUGHLIN; GNL, CORP.; DOE 13 INDIVIDUALS 1-100; ROE BUSINESS ENTITIES 1-100, 14 Defendants. 15 AND ASSOCIATED CASES	Case No.: A-16-739887-C Dept. No.: XXXI PLAINTIFFS JOE N. BROWN’S AND NETTIE J. BROWN’S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO GOLDEN NUGGET, INC.
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16
17 **TO: Defendant GOLDEN NUGGET, INC.; and**
18 **TO: LEE J. GRANT II, its counsel of record:**

19 Plaintiffs Joe N. Brown and Nettie J. Brown, pursuant to Nevada Rules of Civil
20 Procedure (“NRCP”) 34, hereby request that Defendant Golden Nugget, Inc. produce for
21 inspection the documents and things identified herein in accordance with all applicable Rules
22 and the Definitions and Instructions set forth below within thirty (30) calendar days after being
23 served.

24 These requests are continuing, requiring prompt supplemental answers if further events
25 occur or if further information is obtained, developed, or disclosed between the time these
26 requests are first answered and the time of adjudication.

27 ///



DEFINITIONS

1. “DOCUMENT” or “DOCUMENTS” means any writing or writings as defined by NRC 34 and includes writings, drawings, graphs, charts, photographs, audio recordings, and other data compilations from which information can be obtained and/or translated, if necessary, by the responding party through detection devices into reasonably usable form. The terms “DOCUMENT” and “DOCUMENTS” include any comment or notation appearing on any such writing and not part of the original text. A DOCUMENT including such a comment or notation is considered a separate DOCUMENT.
“DOCUMENT” or “DOCUMENTS” refer to any document now or at any time in YOUR possession, custody or control. A person is deemed in control of a DOCUMENT if the person has any ownership, possession or custody of the DOCUMENT or the right to secure the DOCUMENT or a copy thereof from any person or public or private entity having physical possession thereof. “DOCUMENTS” shall not include exact duplicates where originals are available, but shall include all copies different from originals in any way by virtue of any writings, notations, symbols, characters, impressions, or any marks thereon in any form.
2. “WRITINGS” and “RECORDINGS” as defined by Nevada Revised Statute 52.225, mean ANY letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photographing, magnetic impulse, mechanical or electronic recording, or other form of data compilation.
3. The terms “YOU” and “YOUR” mean Defendant GOLDEN NUGGET, INC.
4. A reference to a “PERSON” or “PEOPLE” includes any individual, corporation, partnership, joint venture, limited liability company, governmental entity, unincorporated organization, trust, association or other entity responsive to the description in the request, and includes all of that person’s principals, employees, agents, attorneys, consultants and other representatives.

5. To “DESCRIBE” means to relate in detail sufficient to distinguish the method, procedure, person, place, or thing from all other similar methods, procedures, persons, places, or things.
6. The terms “IDENTIFY” and “STATE THE IDENTITY OF” with respect to a DOCUMENT mean to set forth the following information:
 - a. A general description thereof (e.g., letter, memorandum, report, etc.);
 - b. A brief summary of its contents;
 - c. The name and address of the custodian of the original;
 - d. The name and address of the PERSON(s), if any, who drafted, prepared, compiled or signed it; and
 - e. Any other descriptive information necessary in order to adequately describe it in a subpoena duces tecum, or in a motion or request for production thereof.
7. With respect to a PERSON, the term “IDENTIFY” and “STATE THE IDENTITY OF” mean to set forth the following information:
 - a. The name or names of the PERSON requested;
 - b. That PERSON’s name, address, or other contact information; and
 - c. Any other descriptive information necessary in order to adequately describe that PERSON or those people.
8. “RELATE” and “RELATING,” and the terms “CONCERN” and “CONCERNING,” mean consisting of, referring to, reflecting, describing, evidencing or constituting or being in any way logically or factually connected with the matter discussed.
9. “COMMUNICATION” or “COMMUNICATIONS” mean the transmittal of information (in the form of facts, ideas, inquiries or otherwise) whether orally, in writing or otherwise.
10. The terms “AND” and “OR” shall be construed either conjunctively or disjunctively as necessary to bring within the scope of the request all responses that might otherwise fall outside the scope of the request.

- 1 11. The terms “ALL,” “ANY,” and “EACH” encompass any and all of the matter discussed.
- 2 12. The use of singular form includes plural and vice versa.
- 3 13. The use of present tense includes past tense, and vice versa.

4 **INSTRUCTIONS**

- 5 1. All production of DOCUMENTS and objections to the production of DOCUMENTS
- 6 requested herein shall be made in writing and delivered to the office of IQBAL LAW
- 7 PLLC, 101 CONVENTION CENTER DRIVE, SUITE 1175, LAS VEGAS, NEVADA
- 8 89109, on or before 5:00 pm PST on the date set for production.
- 9 2. Pursuant to the NRCP 34(2)(E)(i), the DOCUMENTS, WRITINGS, and/or
- 10 RECORDINGS to be produced must be produced as they are kept in the usual course of
- 11 business or must be organized and labeled to correspond to the categories in the relevant
- 12 request for production.
- 13 3. To the extent possible, please produce all DOCUMENTS, WRITINGS, and/or
- 14 RECORDINGS in electronic form either on compact disc or in cloud storage.
- 15 4. Electronically stored information must be produced in PDF format with load files
- 16 containing the COMMUNICATION’s and/or DOCUMENT’s text and all available
- 17 metadata.
- 18 5. All DOCUMENTS are to be produced as they are kept in the usual course of business
- 19 with any identifying labels, file folders, file markings, or similar identifying features, or
- 20 shall be organized and labeled to correspond to the categories requested herein. If there
- 21 are no DOCUMENTS responsive to a particular request, Defendant GOLDEN
- 22 NUGGET, INC. shall state so in writing.
- 23 6. These requests call for the production of all responsive DOCUMENTS in YOUR
- 24 possession, custody or control, or in the possession, custody, or control of any of YOUR
- 25 employees, predecessors, successors, parents, subsidiaries, divisions, affiliates, partners,
- 26 joint ventures, brokers, attorneys, accountants, financial advisors, representatives and
- 27 agents or other persons acting on YOUR behalf, without regard to the physical location

1 of such DOCUMENTS. In responding to these requests, include DOCUMENTS
2 obtained on YOUR behalf by YOUR counsel, employees, agents or any other persons
3 acting on YOUR behalf. If YOUR response is that the DOCUMENTS are not within
4 YOUR possession or custody, describe in detail the unsuccessful efforts YOU made to
5 locate each such DOCUMENT. If your response is that DOCUMENTS are not under
6 YOUR control, IDENTIFY the PERSON(s) with control of the DOCUMENTS presently
7 and/or knowledge of the present location of the DOCUMENTS.

8 7. If any DOCUMENT applicable to any request for production was, but no longer is, in
9 YOUR possession or was destroyed, subject to YOUR control or in existence, include a
10 statement:

- 11 a. IDENTIFYING the DOCUMENT;
- 12 b. Describing where the DOCUMENT is now and why it was lost or transferred;
- 13 c. IDENTIFYING the PERSON(s) with control of the DOCUMENT at the time it was
14 lost or transferred;
- 15 d. IDENTIFYING the PERSON(s) with control of or in possession of the
16 DOCUMENT at present;
- 17 e. Describing how the DOCUMENT became lost or destroyed or was transferred;
- 18 f. IDENTIFYING the date of the destruction or transfer of the DOCUMENT;
- 19 g. Describing the contents of the DOCUMENT; and
- 20 h. IDENTIFYING each of those PERSONS responsible for or having knowledge of the
21 loss, destruction or transfer of this DOCUMENT from YOUR possession, custody or
22 control.

23 8. Each request for production contemplates production of all DOCUMENTS in their
24 entirety. If a portion of a DOCUMENT is responsive to one or more requests, the
25 DOCUMENT must be produced in its entirety in response to each request to which it is
26 responsive.



9. If any DOCUMENT is withheld in whole or in part, for ANY reason including, without limitation, a claim of privilege or other protection from disclosure such as the work product doctrine or other business confidentiality or trade secret protection, set forth separately with respect to each DOCUMENT:
 - a. The ground of privilege or protection claimed;
 - b. Each and every basis under which the DOCUMENT is withheld;
 - c. The type of DOCUMENT;
 - d. Its general subject matter;
 - e. The DOCUMENT's date;
 - f. The author(s) of the DOCUMENT;
 - g. ANY recipient of the DOCUMENT;
 - h. Its present location and custodian; and
 - i. The requests to which the DOCUMENT is responsive.
10. To the extent YOU assert that a DOCUMENT contains information that should be protected from disclosure (based on the attorney-client privilege, work product doctrine or another protection) and non-privileged information, the non-privileged portions of the DOCUMENT must be produced. For each such DOCUMENT, indicate the portion of the DOCUMENT withheld by stamping the words "MATERIAL REDACTED" on the DOCUMENT in an appropriate location that does not obscure the remaining text.
11. If there are no DOCUMENTS responsive to any particular request, as determined after a reasonable and diligent investigation, YOU must state so in writing.
12. These requests for production are continuing in nature; in the event you become aware of or acquire in your possession custody or control of additional responsive DOCUMENTS, you must promptly produce such additional DOCUMENTS for inspection and copying.

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1 **REQUESTS FOR PRODUCTION OF DOCUMENTS**

2 **REQUEST NO. 1:** All DOCUMENTS RELATING to YOUR divestiture of ownership
3 AND/OR operation of the Golden Nugget hotel, casino, and entertainment resort in Laughlin,
4 Nevada.

5 **REQUEST NO. 2:** All DOCUMENTS RELATING to YOUR “corporate relationship” to
6 GNL, Corp., referred to in Defendants’ Motion to Dismiss at 6:26-28.

7 Dated April 19, 2017.

IQBAL LAW PLLC

By: /s/ Mohamed A. Iqbal

Mohamed A. Iqbal, Jr. (NSB #10623)

Christopher Mathews (NSB #10674)

*Attorneys for Plaintiffs Joe N. Brown and
Nettie J. Brown*

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of IQBAL LAW PLLC, and that on this 19th day of April, 2017 I caused to be served a true and correct copy of foregoing **PLAINTIFFS JOE N. BROWN’S AND NETTIE J. BROWN’S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO GOLDEN NUGGET, INC.** in the following manner:

(ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court’s facilities to those parties listed on the Court’s Master Service List.

Grant & Associates

Contact	Email
Diana Smith	diana.smith@aig.com
Lee Grant	lee.grant@aig.com
Shannon Jory	shannon.jory@aig.com
Sydney Basham	sydney.basham@aig.com
Annalisa Grant	annalisa.grant@aig.com

Rogers Mastrangelo Carvalho & Mitchell

Margarita Moreno	rmcmfiling@rmcmlaw.com
------------------	--

/s/ Heather M. Caliguire
An employee of IQBAL LAW PLLC

EXHIBIT J

JNB00357

Grant & Associates
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Telephone No. (702) 940-3529
Facsimile No. (855) 429-3413

RSPN
ANNALISA N. GRANT, ESQ.
Nevada Bar No. 11807
GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Phone: (702) 940-3529
Fax: (855) 429-3413
Annalisa.Grant@aig.com

Attorney for Defendant,
GOLDEN NUGGET, INC.

DISTRICT COURT
CLARK COUNTY, NEVADA

* * *

JOE N. BROWN, an individual, and his Wife,
NETTIE J. BROWN, an individual,
Plaintiffs,

vs.

LANDRY'S, INC., a foreign corporation;
GOLDEN NUGGET, INC. a Nevada
corporation, d/b/a GOLDEN NUGGET
LAUGHLIN; GNL, CORP., a Nevada
corporation; DOE INDIVIDUALS 1-100,
ROE BUSINESS ENTITIES 1-100,

Defendants.

CASE NO.: A-16-739887-C
DEPT. NO.: XXXI

**DEFENDANT GOLDEN NUGGET,
INC.'S RESPONSES TO PLAINTIFFS'
FIRST SET OF REQUEST FOR
PRODUCTION OF DOCUMENTS**

COMES NOW, Defendant GOLDEN NUGGET, INC. (hereinafter "Defendant"), by and through its attorney, Annalisa N. Grant, Esq., of the law firm of GRANT & ASSOCIATES, pursuant to Rule 34, of the Nevada Rules of Civil Procedure, and hereby submits its responses to Plaintiffs' First Set of Request for Production of Documents as follows:

PRELIMINARY STATEMENT

GOLDEN NUGGET, INC. has not yet completed its investigation and discovery of this matter. The following responses are provided to the best of GOLDEN NUGGET, INC.'S ability and understanding at this time. Discovery is continuing and GOLDEN NUGGET, INC. reserves the right to supplement these responses as additional information becomes available.

///

REQUEST NO. 1:

All DOCUMENTS RELATING to YOUR divestiture of ownership AND/OR operation of the Golden Nugget hotel, casino, and entertainment resort in Laughlin, Nevada.

RESPONSE TO REQUEST NO. 1:

OBJECTION: This Request is vague, overly broad as it is not limited to alleged incident, lacks foundation, assumes facts not in evidence, irrelevant, seek confidential and proprietary information and not reasonably calculated to lead to the discovery of admissible evidence. OBJECTION: This Request seeks to discovery information protected by the attorney/client privilege and/or the work product doctrine.

Subject to and without waiving the foregoing objections, this answering Defendant responds as follows: None.

REQUEST NO. 2:

All DOCUMENTS RELATING to YOUR “corporate relationship” to GNL, Corp., referred to in Defendants’ Motion to Dismiss at 6:26-28.

RESPONSE TO REQUEST NO. 2:

OBJECTION: This Request is vague, overly broad as it is not limited to alleged incident, lacks foundation, assumes facts not in evidence, irrelevant, seeks highly confidential and proprietary information and not reasonably calculated to lead to the discovery of admissible evidence. FURTHER OBJECTION: This Request seeks confidential and/or proprietary information potentially protected by attorney-client and/or attorney-work product privilege.

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1 Subject to and without waiving the foregoing objections, this answering Defendant
2 responds as follows: See Golden Nugget, Inc.'s response to Interrogatory No. 4. No documents
3 will be produced.

4 DATED this 22nd day of May, 2017.

5 GRANT & ASSOCIATES

6 /s/ Annalisa N. Grant, Esq.
7

8 ANNALISA N. GRANT, ESQ.
9 Nevada Bar No. 11807
10 7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113

11 Attorney for Defendant,
12 GOLDEN NUGGET, INC.
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CERTIFICATE OF SERVICE

I certify that I am an employee of GRANT & ASSOCIATES and that on this 22nd day of May, 2017, I served a true and correct copy of the foregoing **DEFENDANT GOLDEN NUGGET, INC.'S RESPONSES TO PLAINTIFFS' FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS** by serving as follows:

 x Through the Court authorized electronic mail to all parties listed on the master service pursuant to Administrative Order 14-2 and Rule 9 of the NEFCR;

 Depositing said document(s) with the U.S. Postal Service;

addressed to the following person(s) at the address(es) listed below:

Mohamed A. Iqbal, Jr., Esq.
Christopher Mathews, Esq.
101 Convention Center Drive, Suite 1175
Las Vegas, NV 89109
Ph: 702-750-2950
Fax: 702-825-2841
mal@llawlv.com
Attorney for Plaintiffs

/s/ Diana Smith

An Employee of
GRANT & ASSOCIATES

EXHIBIT K

JNB00362

May 26, 2017

Annalisa N. Grant, Esq.
GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, NV 89133
Via email (Annalisa.Grant@aig.com) and First Class Mail

Re: Brown v. Landry's, Inc., et al., Case No. A739887

Dear Ms. Grant:

I'm writing pursuant to EDCR 2.34 regarding the discovery responses of your clients, Golden Nugget, Inc. ("GNI") and Landry's Inc. ("Landry's") to each of the Plaintiffs' First Sets of Requests for Admissions, First Sets of Interrogatories, and First Sets of Production of Documents. As detailed below, those responses are defective in multiple respects. **Please let me know when you will be available to meet and confer next week regarding these deficiencies.**

With respect to responses from GNI:

Request for Admission No. 1: GNI's response is nonresponsive. It adds the word "directly," a limitation which was not part of the request.

Interrogatory No. 1: GNI's response is nonresponsive. The Interrogatory asks, if GNI's response to Request for Admission No. 1 is anything other than an unqualified admission, for a description of how GNI divested itself of the ownership and/or operation of the Golden Nugget hotels in Las Vegas and Laughlin. The response omits the words "and/or operation" and is limited to the purported current status of the hotels, rather than the information requested.

Interrogatory No. 2: GNI's response is nonresponsive. The Interrogatory asks for the identity of the beneficial owners of the entities and properties; the response does not include the information requested.

Request for Production No. 1: GNI's response is unintelligible. The response indicates that there are documents being withheld on the grounds of one or more purported privileges, yet no privilege log accompanies the responses, and the response concludes with the single word, "None."

Request for Production No. 2: GNI's response is nonresponsive. The response indicates that there are documents being withheld on the grounds of one or more purported privileges, yet no privilege log accompanies the responses, and the response concludes with the words, "No documents will be produced."

With respect to responses from Landry's:

Interrogatory No. 1: The response from Landry's is nonresponsive. The Interrogatory asks, if Landry's response to Request for Admission No. 1 is anything other than an unqualified

May 26, 2017

Annalisa N. Grant, Esq.

Page 2

admission, how Landry's divested itself of ownership of GNI. The response does not include the information requested.

Interrogatory No. 2: The response from Landry's is nonresponsive. The Interrogatory asks for a description of each contact, from May 12, 2010 to the present, described in the Motion to Dismiss filed by Landry's and GNI. The response adds a word of limitation which is not part of the Interrogatory to say there were no "direct contacts with Nevada;" it then says "other than ..." but does not describe the other contacts.

Interrogatory No. 3: The response from Landry's is nonresponsive. The Interrogatory asks for a description of how Landry's obtained permission to add restaurants to, and upgrade rooms in, the Golden Nugget Laughlin. The response does not answer the question.

Interrogatory No. 4: The response from Landry's is nonresponsive. The Interrogatory asks for a description of how Landry's obtained permission to install "end-to-end encryption" and other security measures at the Golden Nugget Laughlin, as claimed on the company website. The response does not answer the question.

Request for Production No. 1: The response from Landry's indicates that there are documents being withheld on the grounds of one or more purported privileges, yet no privilege log accompanies the responses. No documents are produced, and the response does not say why.

Request for Production No. 2: The response from Landry's is unintelligible. The response merely references an interrogatory response and then concludes with the words, "No documents." It cannot be ascertained why no documents are being produced.

Request for Production No. 3: The response from Landry's is unintelligible. The response merely references an interrogatory response and then concludes with the words, "No documents." It cannot be ascertained why no documents are being produced.

Request for Production No. 5: The response from Landry's is unintelligible. The response merely references an interrogatory response and then concludes with the words, "As such, none." It cannot be ascertained why no documents are being produced.

In addition, the responses contain rote boilerplate objections based on relevance and breadth, which are unsupportable given your clients' recent motion for summary judgment; trial objections based on alleged lack of foundation and assumption of facts not in evidence, which are improper in discovery; and confidentiality and proprietary protection which are especially inapposite given the Stipulated Protective Order in this case.

Sincerely

IQBAL LAW PLLC

/s/ Christopher Mathews
Christopher Mathews, Esq.

101 CONVENTION CENTER DRIVE, #1175, LAS VEGAS, NV 89109 (USA)
INFO@ILAWLV.COM

702-750-2950 (OFFICE)

702-825-2841 (FAX)

JNB00364

May 26, 2017
Annalisa N. Grant, Esq.
Page 3

Attorneys for Plaintiffs

JNB00365

May 27, 2017

Lee Grant, Esq.
GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, NV 89133
Via email (Lee.Grant@aig.com) and First Class Mail

Re: Brown v. Landry's, Inc., et al., Case No. A739887

Dear Mr. Grant:

I'm writing pursuant to EDCR 2.34 regarding the discovery responses of your clients, Golden Nugget, Inc. ("GNI") and Landry's Inc. ("Landry's") to each of the Plaintiffs' First Sets of Requests for Admissions, First Sets of Interrogatories, and First Sets of Production of Documents. As detailed below, those responses are defective in multiple respects. **Please let me know when you will be available to meet and confer next week regarding these deficiencies.**

With respect to responses from GNI:

Request for Admission No. 1: GNI's response is nonresponsive. It adds the word "directly," a limitation which was not part of the request.

Interrogatory No. 1: GNI's response is nonresponsive. The Interrogatory asks, if GNI's response to Request for Admission No. 1 is anything other than an unqualified admission, for a description of how GNI divested itself of the ownership and/or operation of the Golden Nugget hotels in Las Vegas and Laughlin. The response omits the words "and/or operation" and is limited to the purported current status of the hotels, rather than the information requested.

Interrogatory No. 2: GNI's response is nonresponsive. The Interrogatory asks for the identity of the beneficial owners of the entities and properties; the response does not include the information requested.

Request for Production No. 1: GNI's response is unintelligible. The response indicates that there are documents being withheld on the grounds of one or more purported privileges, yet no privilege log accompanies the responses, and the response concludes with the single word, "None."

Request for Production No. 2: GNI's response is nonresponsive. The response indicates that there are documents being withheld on the grounds of one or more purported privileges, yet no privilege log accompanies the responses, and the response concludes with the words, "No documents will be produced."

With respect to responses from Landry's:

Interrogatory No. 1: The response from Landry's is nonresponsive. The Interrogatory asks, if Landry's response to Request for Admission No. 1 is anything other than an unqualified

May 26, 2017
Lee Grant, Esq.
Page 2

admission, how Landry's divested itself of ownership of GNI. The response does not include the information requested.

Interrogatory No. 2: The response from Landry's is nonresponsive. The Interrogatory asks for a description of each contact, from May 12, 2010 to the present, described in the Motion to Dismiss filed by Landry's and GNI. The response adds a word of limitation which is not part of the Interrogatory to say there were no "direct contacts with Nevada;" it then says "other than ..." but does not describe the other contacts.

Interrogatory No. 3: The response from Landry's is nonresponsive. The Interrogatory asks for a description of how Landry's obtained permission to add restaurants to, and upgrade rooms in, the Golden Nugget Laughlin. The response does not answer the question.

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In addition, the responses contain rote boilerplate objections based on relevance and breadth, which are unsupportable given your clients' recent motion for summary judgment; trial objections based on alleged lack of foundation and assumption of facts not in evidence, which are improper in discovery; and confidentiality and proprietary protection which are especially inapposite given the Stipulated Protective Order in this case.

Sincerely

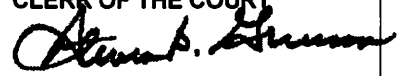
IQBAL LAW PLLC

/s/ Christopher Mathews
Christopher Mathews, Esq.
Attorneys for Plaintiffs

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JNB00367

EXHIBIT 2



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6 Las Vegas, Nevada 89109
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9 *info@ilawlv.com*

10 *Attorneys for Plaintiffs Joe N. Brown and Nettie J. Brown*

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

13 **JOE N. BROWN, an individual, and his Wife,**
14 **NETTIE J. BROWN, an individual**

15 **Plaintiffs,**

16 **vs.**

17 **LANDRY'S, INC., a foreign corporation;**
18 **GOLDEN NUGGET, INC, a Nevada**
19 **corporation, d/b/a GOLDEN NUGGET**
20 **LAUGHLIN; GNL, CORP.; DOE**
21 **INDIVIDUALS 1-100; ROE BUSINESS**
22 **ENTITIES 1-100,**

23 **Defendants.**

24 **Case No.: A-16-739887-C**
25 **Dept. No.: XXXI**

26 **PLAINTIFFS' MOTION TO COMPEL**
27 **DISCOVERY FROM DEFENDANTS**
28 **LANDRY'S, INC. AND GOLDEN**
NUGGET, INC.

and

REQUEST FOR SANCTIONS

(Discovery Commissioner)

Date:

Time:

29 Pursuant to Nev. R. Civ. P. 37(a) and Nev. R. Civ. P. 16.1(d) and EDCR 2.34(a),
30 Plaintiffs JOE N. BROWN and NETTIE J. BROWN (collectively, "Plaintiffs"), by and through
31 their counsel, the law firm of Iqbal Law PLLC, hereby move to compel discovery from
32 Defendants LANDRY'S, INC. ("Landry's") and GOLDEN NUGGET, INC. ("GNI"), and for
33 award of their fees and costs of bringing this Motion.

34 *///*

35 **PLAINTIFFS' MOTION TO COMPEL DISCOVERY FROM DEFENDANTS**
36 **LANDRY'S, INC. AND GOLDEN NUGGET, INC. and**
37 **REQUEST FOR SANCTIONS**

38 1 of 19

1 This Motion is based on the papers and pleadings on file with the Court in this matter; the
2 points and authorities and supporting declarations and exhibits accompanying this Motion; and
3 on such arguments as the Court may entertain at a hearing on the Motion before the Discovery
4 Commissioner.

5 Dated: August 23, 2017

IQBAL LAW PLLC

6
7 By: /s/ Mohamed A. Iqbal, Jr.
Mohamed A. Iqbal, Jr. (NSB #10623)
8 Christopher Mathews (NSB #10674)
Attorneys for Plaintiffs Joe N. Brown and Nettie J.
9 *Brown*

10 **NOTICE OF MOTION**

11 PLEASE TAKE NOTICE that the undersigned will bring the foregoing **MOTION TO**
12 **COMPEL DISCOVERY FROM DEFENDANTS LANDRY'S, INC. AND GOLDEN**
13 **NUGGET, INC. and REQUEST FOR SANCTIONS** for hearing before the Discovery
14 Commissioner on the 27 day of SEPTEMBER, 2017, at 9:30A .m.

15 Dated: August 23, 2017

IQBAL LAW PLLC

16
17 By: /s/ Mohamed A. Iqbal, Jr.
Mohamed A. Iqbal, Jr. (NSB #10623)
18 Christopher Mathews (NSB #10674)
Attorneys for Plaintiffs Joe N. Brown and Nettie J.
19 *Brown*

20 **MEMORANDUM OF POINTS AND AUTHORITIES**

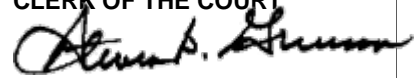
21 **I. INTRODUCTION.**

22 This is a case in which an elderly veteran of the U.S. Armed Forces seeks compensation
23 for the severe and debilitating injuries he suffered on the premises of the multi-million-dollar
24 Golden Nugget resort hotel and casino in Laughlin, Nevada ("Laughlin Nugget"). Landry's and
25 GNI (collectively, "Defendants") are corporate entities which have at various times and in
26 various fora publicly asserted they own, operate, and/or control the Laughlin Nugget. In a vain

27 **PLAINTIFFS' MOTION TO COMPEL DISCOVERY FROM DEFENDANTS**
28 **LANDRY'S, INC. AND GOLDEN NUGGET, INC. and**
REQUEST FOR SANCTIONS

2 of 19

JNB00370



SUPPL

IQBAL LAW PLLC

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Attorneys for Plaintiff Joe N. Brown and Nettie J. Brown

DISTRICT COURT

CLARK COUNTY, NEVADA

JOE N. BROWN, an individual, and his Wife, NETTIE J. BROWN, an individual Plaintiffs, vs. LANDRY'S, INC., a foreign corporation; GOLDEN NUGGET, INC, a Nevada corporation, d/b/a GOLDEN NUGGET LAUGHLIN; GNL, CORP.; DOE INDIVIDUALS 1-100; ROE BUSINESS ENTITIES 1-100, Defendants.	Case No.: A-16-739887-C Dept. No.: XXXI PLAINTIFFS' SUPPLEMENTAL OPPOSITION TO DEFENDANTS' REPLY IN SUPPORT OF MOTION FOR RECONSIDERATION (ADDRESSING DEFENDANTS' NEW ERRONEOUS CLAIMS OF FACT AND NEW REQUEST FOR RELIEF) Date: September 1, 2017 Time: In chambers
AND ASSOCIATED CASES	

Plaintiffs Joe N. Brown and Nettie J. Brown ("Plaintiffs"), by and through their attorneys of record, the law office of Iqbal Law PLLC, hereby respectfully ask the Court to consider this Supplemental Opposition to Defendants' Reply in Support of Motion for Reconsideration ("Reply"), addressing the new erroneous claims of fact and new request for relief raised by

**PLAINTIFFS' SUPPLEMENTAL OPPOSITION TO DEFENDANTS' REPLY IN
SUPPORT OF MOTION FOR RECONSIDERATION (ADDRESSING DEFENDANTS'
NEW ERRONEOUS CLAIMS OF FACT AND NEW REQUEST FOR RELIEF)**

1 Defendants Landry's, Inc. ("Landry's") and Golden Nugget, Inc. ("GNI") for the first time in their
2 Reply.

3 This Supplemental Opposition is based on the pleadings and records of this case and the
4 attached Memorandum of Points and Authorities and Declaration of Mohamed A. Iqbal, Jr.

5 **MEMORANDUM OF POINTS AND AUTHORITIES**

6 **I. INTRODUCTION.**

7 Filing a supplemental brief is ordinarily not required, and Plaintiffs would not ordinarily
8 ask leave of this Court to consider one. However, Defendants' Reply filed on August 24, 2017 is
9 replete with unsupported assertions of fact which are untrue, were untrue when made, and were
10 not included in Defendants' original papers on their Motion for Summary Judgment or their instant
11 Motion for Reconsideration, leaving Plaintiffs no opportunity to respond in the ordinary course of
12 briefing. Further, the Reply is procedurally unsound in that it asks for relief not sought in
13 Defendants' prior papers. Plaintiffs have been left with no alternative but to ask the Court to
14 consider this Supplemental Opposition.

15 **II. STATEMENT OF FACTS.**

16 In their Reply, dated and filed August 24, 2017, Defendants claim they and their co-
17 defendant GNL Corp. ("GNL") "have jointly issued a fifth supplemental NRCP 16.1 disclosure"
18 which purports to fulfill Defendants' Rule 16.1 obligation to identify documents and evidence
19 discoverable under Rule 26(b). Reply at 2:19-22. ***This statement was false when made, and***
20 ***remains false*** – or at least profoundly misleading – today.

21 There has never been a fifth supplemental disclosure statement filed by any of the
22 defendants in this matter. Iqbal Decl. at ¶ 2. On August 29, 2017, eleven days ***after*** Plaintiffs filed
23 their opposition once again pointing out the absence of any Rule 16.1 disclosures and five days
24 after the Defendants' Reply was filed falsely claiming they had already been provided, GNL and
25 its co-defendants issued a Fourth Supplemental List of Witnesses and Documents which for the

26 **PLAINTIFFS' SUPPLEMENTAL OPPOSITION TO DEFENDANTS' REPLY IN**
27 **SUPPORT OF MOTION FOR RECONSIDERATION (ADDRESSING DEFENDANTS'**
28 **NEW ERRONEOUS CLAIMS OF FACT AND NEW REQUEST FOR RELIEF)**

1 first time purports to include Landry's and GNL. However, *this belated supplement provides no*
2 *documents, names no witnesses, and provides no information whatsoever concerning*
3 *Defendants' claimed defense*: that they supposedly divested themselves of ownership and control
4 of the Laughlin Nugget prior to Plaintiffs' injuries. *Id.*

5 The Reply next goes on the attack, claiming that "Plaintiffs have refused to provide any
6 kind of medical releases" in response to discovery from GNL. Reply at 2:23-25. *This statement*
7 *was false when made, and remains false* – or at least profoundly misleading – today.

8 Plaintiffs did not refuse to provide releases, but rather during an EDCR 2.34 conference on
9 May 8, 2017, (1) sought assurances that their medical records would be safeguarded under the
10 Protective Order in this case and used only for this litigation; and (2) asked that the release form
11 provided by GNL be corrected to reflect Nevada law, rather than the Utah law referenced in the
12 form originally provided by GNL's lawyers. GNL did not provide a corrected form until July 31,
13 2017; Plaintiffs sent an executed release, and a draft amendment to the Protective Order requested
14 by GNL, on August 25, 2017. Iqbal Decl. at ¶ 3.

15 Finally, the Reply contends that "despite all of Plaintiff's [*sic*] issues noted regarding
16 defense discovery, no motion to compel has been filed." Reply at 2:25-26. *This statement was*
17 *false when made, and remains false* – or at least profoundly misleading – today.

18 Plaintiffs filed a Motion to Compel on August 23, 2017, just as promised in their opposition
19 to Defendants' instant reconsideration motion. Moreover, as noted in the briefing on Defendants'
20 Motion for Summary Judgment, Plaintiffs sent a letter to Defendants' counsel requesting an EDCR
21 2.34 conference – a letter Defendants ignored. *Even after the Court issued its ruling granting*
22 *Plaintiffs discovery under Rule 56(f), Defendants have continued to stonewall, providing no*
23 *documents or other evidence regarding their asserted defenses*, discoverable under Rule 26(b).
24 Plaintiffs' goal of conducting further discovery has, for the moment, been thwarted by Defendants'

25
26
27 **PLAINTIFFS' SUPPLEMENTAL OPPOSITION TO DEFENDANTS' REPLY IN**
28 **SUPPORT OF MOTION FOR RECONSIDERATION (ADDRESSING DEFENDANTS'**
NEW ERRONEOUS CLAIMS OF FACT AND NEW REQUEST FOR RELIEF)

1 open and continuing defiance of their discovery obligations; but this is of course precisely the issue
2 in Plaintiffs' pending Motion to Compel. Iqbal Decl. at ¶ 4.

3 **III. LAW AND ARGUMENT.**

4 **A. The Court's Original Rulings on the Motion for Summary Judgment and the**
5 **Countermotion for Discovery Were Correct and Should Stand.**

6 As noted during the original briefing on their Motion for Summary Judgment, Defendants
7 have repeatedly claimed – to the public, to the press, and to the United States government – that
8 they own and operate the Laughlin Nugget. They made such statements before the May 2015
9 incident in which Plaintiffs suffered their injuries, and after. Defendants now seek to disavow
10 their prior statements; but have provided no documents whatsoever to support their disavowals.
11 This is not the sort of record on which summary judgment can be granted, and certainly not the
12 sort of “very rare” record justifying reconsideration. *Masonry & Tile Contractors v. Jolley, Urga*
13 *& Wirth Ass'n*, 941 P.2d 486, 489 (Nev. 1997), citing *Moore v. City of Las Vegas*, 551 P.2d 244,
14 246 (Nev. 1976).

15 If, as Defendants claim, they no longer own or operate the casino, there should be an ample
16 and extensive documentary record showing it, including internal memoranda, corporate minutes
17 and resolutions, instructions to vendors, business associates, creditors and employees, and a host
18 of other contemporaneous evidence showing that the divestiture took place, the means by which it
19 was accomplished, and how it has been carried into execution. Such information would be
20 discoverable under Rule 26(b), which permits discovery of any non-privileged matter “relevant to
21 the subject matter involved in the pending action, whether it relates to the claim or defense of the
22 party seeking discovery or to the claim or defense of any other party, including the existence,
23 description, nature, custody, condition and location of any books, documents, or other tangible
24 things and the identity and location of persons having knowledge of any discoverable matter.”

25
26 **PLAINTIFFS' SUPPLEMENTAL OPPOSITION TO DEFENDANTS' REPLY IN**
27 **SUPPORT OF MOTION FOR RECONSIDERATION (ADDRESSING DEFENDANTS'**
28 **NEW ERRONEOUS CLAIMS OF FACT AND NEW REQUEST FOR RELIEF)**

1 Nev. R. Civ. P. 26(b). Discoverable information is *required to be disclosed* by Landry's and GNI
2 under Rule 16.1(a); but no such disclosure has ever been made.

3 More to the point, *if evidence supporting Landry's and GNI's supposed divestiture of*
4 *ownership and control exists, they should be eager to provide it.* It profits no one for them to
5 continue to play hide the ball. The Court should not disturb its original rulings on summary
6 judgment or on discovery.

7 **B. The Court Should Not Entertain Defendants' Untimely and Improper Request**
8 **for a Stay.**

9 Defendants in their Reply ask for a stay so that they can seek an interlocutory appeal of the
10 Court's discovery ruling. Reply at 4:25-5:2. This relief was not requested in their Motion for
11 Reconsideration and it would not be proper to entertain it now. Moreover, the discovery sought
12 by Plaintiffs from Defendants was and still is narrowly-tailored to the specific issue raised by them
13 in defense: whether their current attempts to disavow in litigation their prior and current claims of
14 ownership and control are true. Defendants have not demonstrated *any* harm that will flow from
15 discovery, let alone the sort of harm that would justify an extraordinary appeal.

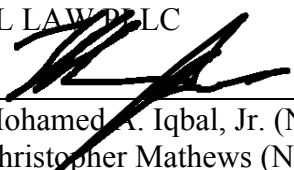
16 **IV. CONCLUSION.**

17 For all the foregoing reasons, the Motion for Reconsideration should be denied.

18 Dated this 30th day of August, 2017.

Respectfully Submitted,

19 IQBAL LAW PLLC

20 By: 
21 Mohamed A. Iqbal, Jr. (NSB #10623)
22 Christopher Mathews (NSB #10674)

23 *Attorneys for Plaintiffs Joe N. Brown and*
24 *Nettie Brown*

25
26 **PLAINTIFFS' SUPPLEMENTAL OPPOSITION TO DEFENDANTS' REPLY IN**
27 **SUPPORT OF MOTION FOR RECONSIDERATION (ADDRESSING DEFENDANTS'**
28 **NEW ERRONEOUS CLAIMS OF FACT AND NEW REQUEST FOR RELIEF)**

1 **DECLARATION OF MOHAMED A. IQBAL, JR.**

2 I, MOHAMED A. IQBAL, JR., hereby declare as follows:

3 1. I am over the age of 18 and competent to testify. I am counsel of record for Plaintiffs
4 Joe N. Brown and Nettie J. Brown in the above-captioned proceeding, and make this declaration
5 subject to penalty of perjury under the laws of the United States and the State of Nevada, in support
6 of the Plaintiffs' Supplemental Opposition to Defendants' Reply in Support of Motion for
7 Reconsideration, filed herewith.

8 2. The Reply filed by Defendants Landry's, Inc. ("Landry's") and Golden Nugget, Inc.
9 ("GNI") contains multiple unsupported and untrue assertions of fact. For example, Landry's and
10 GNI claim they and co-defendant GNL Corp. ("GNL") "have jointly issued a fifth supplemental
11 NRCP 16.1 disclosure" to fulfill Defendants' Rule 16.1 obligation to identify documents and
12 evidence discoverable under Rule 26(b). Reply at 2:19-22. This is untrue. In fact, there has never
13 been a fifth supplemental disclosure statement filed by any of the defendants in this matter. On
14 August 29, 2017, *after* Plaintiffs filed their initial opposition brief to the Motion for
15 Reconsideration and *after* Defendants false claimed to have issued a fifth supplemental disclosure,
16 GNL and its co-defendants issued a Fourth Supplemental List of Witnesses and Documents which
17 for the first time purported to include Landry's and GNI. But this supplement provides no
18 documents, names no witnesses, and provides no information at all concerning Defendants'
19 claimed defense that they divested themselves of ownership and control of the Laughlin Nugget
20 prior to Plaintiffs' injuries.

21 3. Similarly, the Reply claims that "Plaintiffs have refused to provide any kind of medical
22 releases" in response to discovery from GNL. Reply at 2:23-25. This is also untrue. Plaintiffs
23 did not refuse to provide medical releases, but rather, during an EDCR 2.34 conference on May 8,
24 2017, (1) sought assurances that their medical records would be safeguarded under the Protective
25 Order in this case and used only for this litigation; and (2) asked that the release form provided by

26 **PLAINTIFFS' SUPPLEMENTAL OPPOSITION TO DEFENDANTS' REPLY IN**
27 **SUPPORT OF MOTION FOR RECONSIDERATION (ADDRESSING DEFENDANTS'**
28 **NEW ERRONEOUS CLAIMS OF FACT AND NEW REQUEST FOR RELIEF)**

1 GNL be corrected to reflect Nevada law, rather than the Utah law referenced in the form originally
2 provided by GNL's lawyers. GNL did not provide a corrected form until July 31, 2017; Plaintiffs
3 sent an executed release, and a draft amendment to the Protective Order requested by GNL, on
4 August 25, 2017.

5 4. Finally, the Reply contends that "despite all of Plaintiff's [*sic*] issues noted regarding
6 defense discovery, no motion to compel has been filed." Reply at 2:25-26. In fact, Plaintiffs filed
7 a Motion to Compel against Landry's and GNI on August 23, 2017. Plaintiffs' goal of conducting
8 further discovery has, for the moment, been thwarted by Defendants' refusal to cooperate in
9 discovery, and this is the issue in Plaintiffs' pending motion to compel.

10 Dated this 30th day of August, 2017.

11
12 By: 

13 Mohamed A. Iqbal, Jr.
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**PLAINTIFFS' SUPPLEMENTAL OPPOSITION TO DEFENDANTS' REPLY IN
SUPPORT OF MOTION FOR RECONSIDERATION (ADDRESSING DEFENDANTS'
NEW ERRONEOUS CLAIMS OF FACT AND NEW REQUEST FOR RELIEF)**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of IQBAL LAW PLLC, and that on this 30th day of August, 2017 I caused to be served a true and correct copy of the foregoing **PLAINTIFFS' SUPPLEMENTAL OPPOSITION TO DEFENDANTS' REPLY IN SUPPORT OF MOTION FOR RECONSIDERATION (ADDRESSING DEFENDANTS' NEW ERRONEOUS CLAIMS OF FACT AND NEW REQUEST FOR RELIEF)** in the following manner:

(ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List.

Grant & Associates

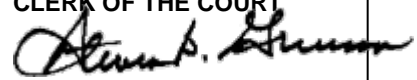
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Rogers Mastrangelo Carvalho & Mitchell

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/s/ Jaime Serrano, Jr.
An employee of IQBAL LAW PLLC

PLAINTIFFS' SUPPLEMENTAL OPPOSITION TO DEFENDANTS' REPLY IN SUPPORT OF MOTION FOR RECONSIDERATION (ADDRESSING DEFENDANTS' NEW ERRONEOUS CLAIMS OF FACT AND NEW REQUEST FOR RELIEF)



1 **OPP**

2 ANNALISA N. GRANT, ESQ.
3 Nevada Bar No. 11807
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7 Phone: (702) 940-3529
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9 Annalisa.Grant@aig.com

6 Attorney for Defendants
7 GOLDEN NUGGET, INC. and LANDRY'S, INC.

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 * * *

11 JOE N. BROWN, an individual, and his Wife,
12 NETTIE J. BROWN, an individual,
13 Plaintiffs,

13 vs.

14 LANDRY'S, INC., a foreign corporation;
15 GOLDEN NUGGET, INC. a Nevada
16 corporation, d/b/a GOLDEN NUGGET
17 LAUGHLIN; GNL, CORP., a Nevada
18 corporation; DOE INDIVIDUALS 1-100,
19 ROE BUSINESS ENTITIES 1-100,

20 Defendants.

) **CASE NO.: A-16-739887-C**
) **DEPT. NO.: XXXI**

) **DEFENDANTS' OPPOSITION TO**
) **PLAINTIFFS' MOTION TO COMPEL**
) **DISCOVERY FROM DEFENDANTS**
) **LANDRY'S, INC. AND GOLDEN**
) **NUGGET, INC.**

) **And**

) **REQUEST FOR SANCTIONS**

) **To be heard before the Discovery**
) **Commissioner**

19 GNL, CORP., a Nevada corporation;

20 Third-Party Plaintiff,

21 vs.

22 Thyssenkrupp Elevator Corporation, a Foreign
23 Corporation; DOES 1-75; ROE
24 CORPORATIONS 1-75; DOE ESCALATOR
25 INSTALLER; DOE ESCALATOR
26 MANUFACTURER; DOE ESCALATOR
27 MAINTENANCE SUBCONTRACTOR; and
28 ROE CORPORATIONS 1-25

26 Third-Party Defendants

27 **///**

COMES NOW Defendants GOLDEN NUGGET, INC. and LANDRY’S, INC. (hereinafter “DEFENDANTS”) by and through its counsel of record, Annalisa N. Grant, Esq. of Grant & Associates, and hereby submits the following Opposition to Plaintiffs’ Motion to Compel Discovery from Defendants Landry’s, Inc. and Golden Nugget, Inc.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

The discovery issues presented are inseparably intertwined with the subject matter of previously filed and concurrently pending Motions before the trial court and possibly the Nevada Supreme Court. This action involves an incident that occurred on the escalator at the Golden Nugget Laughlin Resort and Casino on May 12, 2015 (the property is hereinafter referred to as “Laughlin Nugget” in conformity with the naming conventions of the First Amended Complaint). Plaintiff originally named Golden Nugget, Inc. (“GNI”), and Landry’s, Inc. (“Landry’s”) as defendants and alleged that they collectively own and operate the Laughlin Nugget. When informed by counsel that they had named the wrong entity, and the Laughlin Nugget was in fact owned by GNL, Corp. (“GNL”), Plaintiffs amended their complaint to add GNL, but kept GNI and Landry’s as well. Landry’s and GNI have been fighting to extricate themselves from the case ever since – while GNL has been conducting discovery on the subject matter of the case.

Defendants originally filed a motion to dismiss, which was denied by the district Court due to Plaintiff’s allegations and the lack of evidence (given the nature of the Motion). Since then, Defendants have answered, been served with discovery, responded to discovery, and filed an MSJ, under the same facts because the fact is neither GNI nor Landry’s directly owns or operates the Laughlin Nugget.

Defendants’ Motion was denied on the basis that NRCP 7.1 disclosures had not yet been filed on behalf of the parties and because a typographical error was found in the body of three of Plaintiffs’ Interrogatories – during Defendants’ recitation of the questions – when responses were prepared on behalf of GNI and Landry’s. Thereafter, GNI and Landry’s filed and served their respective NRCP 7.1 disclosures and both parties re-served verified Interrogatory

1 responses on Plaintiffs with the typographical errors corrected. They then filed a motion for
2 reconsideration, which is currently pending and has recently been moved from a September 1
3 chambers calendar to a September 19 hearing date.

4 As it pertains to the discovery before the Commissioner, and to be clear: GNL has
5 admitted that it owns and operated the Laughlin Nugget in verified discovery. GNI and
6 Landry's have denied they own or operate the Laughlin Nugget in verified discovery. GNI has
7 admitted that it owns GNL, meanwhile while Landry's is in the same family of companies as
8 GNI and GNL, Landry's is not in the ownership chain of GNL. And finally, the only causes of
9 action pled are for negligence and loss of consortium due to an escalator that was allegedly
10 owned by all three entities. There is no alter ego type claim pled.

11 II. LAW & ARGUMENT

12 A. PLAINTIFF'S COUNSEL NEVER CONDUCTED A LEGITIMATE EDCR 2.34 13 CONFERENCE

14 While counsel references an EDCR 2.34 conference following the Court's denial of
15 Defendant's MSJ, it is extremely misleading. While discovery responses were discussed, it was
16 not the subjects or reasoning identified in the Motion. Instead, Defendants' MSJ had just been
17 denied due to minor typographical errors in the reproduction of Plaintiff's questions in
18 Defendants' responses to interrogatories. Plaintiff's counsel was informed that Defendants
19 would be correcting their discovery, re-serving it, and re-filing their motion. All of these things
20 happened and Defendant's motion for reconsideration of its MSJ is currently set for hearing on
21 September 19.

22 Had Plaintiff conducted a true EDCR 2.34 conference on the issue, Defendant Landry's
23 may have been willing to provide certain *limited* documentation requested as it has been
24 offering to try to satisfy Plaintiff's concerns since before any party answered in this case.
25 However, as has been apparent through this case, Plaintiff is not concerned with who actually
26 owns the property – Plaintiff would rather harass Defendant using various irrelevant financial
27 discovery. As will be discussed below, none of the items Plaintiff seeks is relevant to any issue
28 in the case.

Further, as discussed in more detail below, Defendants did fully respond to a number of the requests at issue. To the extent Plaintiff obviously does not believe that is the case, it is highly likely that an EDCR 2.34 conference could have cleared it up – as was the case with other discovery issues with GNL relating to the actual subject matter of the case where responses were amended to satisfy Plaintiffs’ concerns.

B. THE COURT DOES NOT HAVE JURISDICTION OVER LANDRY’S AND, THEREFORE, CANNOT COMPEL DISCOVERY

As noted above, this issue is currently being addressed by the District Court and perhaps by an appellate Court. The issue of personal jurisdiction over a corporation is an issue on which the Nevada Supreme Court has issued ample guidance. “In *MGM Grand, Inc. v. District Court*, 107 Nev. 65, 807 P.2d 201 (1991), we held that jurisdiction over a nonresident corporation could not be premised upon that corporation's status as parent to a Nevada corporation.” *Sands China Ltd. v. Eighth Judicial Dist. Court of State ex rel. County of Clark*, 127 Nev. 1173, 373 P.3d 958 (2011). “Similarly, the United States Supreme Court in *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 131 S.Ct. 2846 (2011), considered whether jurisdiction over foreign subsidiaries of a U.S. parent corporation was proper by looking only to the subsidiaries' conduct; the Court suggested that including the parent's contacts with the forum would be, in effect, the same as piercing the corporate veil.” *Id.*

The issue was even more exhaustively addressed recently in *Viega GmbH v. Eighth Jud. Dist. Ct.*, 328 P.3d 1152, 1161 (2014). “[C]orporate entities are presumed separate, and thus, the mere ‘existence of a relationship between a parent company and its subsidiaries is not sufficient to establish personal jurisdiction over the parent on the basis of the subsidiaries' minimum contacts with the forum.” *Id.* (extensive internal citations omitted).

Following an extensive analysis, the Nevada Supreme Court relied upon the reasoning set forth by the Second Circuit Court of Appeals:

As the Second Circuit Court of Appeals has recognized, such problems in overcoming the presumption of separateness are inherent in attempting to sue a foreign corporation that is part of a carefully structured corporate family, and *courts may not create exceptions to get around them:*

1 ‘We recognize that without discovery it may be extremely difficult for plaintiffs
2 ... to make a *prima facie* showing of jurisdiction over a foreign corporation....
3 [But] [t]he rules governing establishment of jurisdiction over such a foreign
4 corporation are clear and settled, and it would be inappropriate for us to deviate
 from them or to create an exception to them because of the problems plaintiffs
 may have in meeting their somewhat strict standards.

5 Accordingly, for the reasons set forth above, we grant the petition and direct the clerk of
6 the court to issue a writ of prohibition precluding the district court from allowing the
 case to proceed against the German Viega companies.

7 *Viega GmbH, supra*, at 1161; *Quoting, Jazini v. Nissan Motor Co., Ltd.*, 148 F.3d 181,
8 186 (2d Cir. 1998) (emphasis added).

9
10 The same reasoning that was applied by the Nevada Supreme Court in *Viega* is equally
11 applicable here. Plaintiff has made no *prima facie* showing that jurisdiction over Landry’s is
12 appropriate. Meanwhile, Landry’s has explained in response to Plaintiffs’ Second Interrogatory
13 that its only direct contact with the jurisdiction is to update its regulatory filings. The instant
14 claims do not arise from Landry’s regulatory activities, and such actives are not sufficient to
15 support general jurisdiction.

16 Instead, its discovery responses establish that the Court lacks personal jurisdiction over
17 Landry’s. Further, all Defendants, including Landry’s have now answered discovery and
18 affirmed that Landry’s has no involvement with the Laughlin Nugget. In fact, since September
19 30, 2013 (the subject incident happened in 2015) Landry’s has been **completely** removed from
20 any parent/subsidiary role as it pertains to GNL or the Laughlin Nugget (Defendant notes that
21 the federal filings Plaintiffs note in their motion come prior to 2013, when Defendant was a
22 publicly traded company).

23 ***1. Plaintiff’s news articles do not prove that Landry’s owns the Laughlin Nugget***

24 Defendants anticipate that Plaintiffs will again attempt to introduce the “news” articles
25 or website articles that they used in opposition to Defendants’ Motion to Dismiss. As a
26 preliminary matter, Defendant notes that none of these articles are competent evidence (they are
27 hearsay at best) and certainly cannot rebut the sworn discovery responses of Defendants.

28 Further, none of the anticipated articles states that Landry’s itself directly owns the

Laughlin Nugget – and one even states something to the contrary (namely that Defendant Landry’s purchased another company – not that it purchased the company’s assets...). All of these news articles are to be expected with a group of corporations that to some degree share a common ownership, but none of them prove that Landry’s directly owns or operates the Laughlin Nugget – because it doesn’t. Absent such a showing, the only way to obtain jurisdiction over Landry’s is through general jurisdiction, which is completely lacking as shown above.

C. THE DISCOVERY REQUESTS PLAINTIFF COMPLAINS OF HAVE EITHER BEEN FULLY ANSWERED OR ARE NOT REASONABLE CALCULATED TO LEAD TO THE DISCOVERY OF ADMISSIBLE EVIDENCE

Notably, Plaintiffs do not challenge any of the legitimate objections contained in the discovery responses; instead taking issue with the content of the responses themselves. Therefore, Defendants will also not address the objections and let them stand for themselves.

1. All of the Relevant Discovery Requests Have Been Fully Answered

In section III(A)(1) Plaintiffs list a number of interrogatories that have been fully responded to. Again, since there has not been an actual EDCR 2.34 conference Defendants are not sure if Plaintiff is misunderstanding the responses – in which case Defendants would be willing to discuss clarifying anything unclear – or if Plaintiffs just don’t like the responses. For example in interrogatory no. 2, Plaintiffs seem to be asking for “other contacts” but Defendant Landry’s identified its contacts... it is not clear what else it can do. The same goes for the next two interrogatories; Landry’s doesn’t own or operate the Laughlin Nugget and therefore has no answer to how it obtained permission to do anything – because it didn’t. Instead, it directed Plaintiffs to the entity that operated the property. With all that said... these interrogatories have absolutely nothing to do with the incident, or any instrumentality involved in the incident, and are completely irrelevant.

Section III(A)(2) requests a number of documents from Landry’s – again an entity outside of this Court’s jurisdiction. As discussed below, none of this information is relevant to any issues in this case. The information is private financial data and documents of entities that

are not involved in this incident. Accordingly, this discovery should not be permitted. Any information and documents that has anything to do with the escalator, Plaintiff's incident, or anything potentially relevant is in the possession of GNL and has been provided. Further, as Defendant Landry's did not own or operate the Laughlin Nugget (or directly any of the restaurants inside), it doesn't even have most of the documentation requested which is related in the responses.

In Section III(B)(1) Plaintiffs take issue with two interrogatory responses from GNI. Defendant truly has no idea what Plaintiffs are seeking as the interrogatory was completely responded to. Further, Plaintiffs' commentary does not seem to understand the answer, or perhaps the SEC process that pre-dated the current structure at the time of the incident; any of which may have been clarified through an EDCR 2.34 conference. That said, the information sought is also completely irrelevant.

Likewise in Section III(B)(2), Defendant GNI fully responded to the first request. As the second, GNI has described its relationship with GNL, it owns it. There is absolutely no reason to compel production of Defendant's financial documentation to support the verified discovery responses on an issue that is irrelevant to Plaintiffs' claims.

2. The Financial and Ownership Information is Irrelevant and Not Reasonably Calculated to Lead to the Discovery of Admissible Evidence

Parties may obtain discovery of matters relevant to the subject matter involved in the pending action. NRCP 26(b). Plaintiff "may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action. ..." NRCP 26(b)(1). Relevant evidence is "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the evidence." NRS 48.015.

Plaintiffs have two causes of action: for negligence and loss of consortium against the owner of the Laughlin Nugget (based on the allegations, Plaintiff is alleging that all three Defendants own the property). Plaintiffs' claims involve an injury sustained on Defendant GNL's escalator. The owner of the property has been established through judicial admission and

1 verified discovery as *only* GNL.

2 While Defendants vigorously dispute liability for the injury, GNL has responded to
3 discovery propounded on it. However, the discovery underlying the instant Motion is
4 confidential financial structure of various entities that are separate, but in the same family.
5 There is no alter ego claim, there is no claim of underfunding; to the contrary, *Defendant GNL*
6 *has disclosed \$52 Million worth of insurance policies and owns a casino.* There is simply no
7 legitimate reason to permit additional discovery into issues that have already been addressed
8 and which do not actually support a cause of action pled.

9 D. SANCTIONS ARE NOT APPROPRIATE

10 Generally, sanctions may only be imposed where there has been willful noncompliance
11 with the court's order, or where the adversary process has been halted by the actions of the
12 unresponsive party. *See, Fire Ins. Exchange v. Zenith Radio Corp.*, 103 Nev. 648 (1987). While
13 Plaintiff references the Court granting its NRCP 56(f) relief in the original MSJ hearing – that is
14 a basis for denying a MSJ, not an affirmative order compelling Defendant to do something. To
15 the contrary, the 56(f) relief anticipates additional discovery besides that at issue here.

16 There is no basis for Plaintiffs' request for attorney's fees as Defendants have
17 participated in discovery and complied with court orders (although there are no orders regarding
18 the instant discovery). If any fees would be warranted, they should be assessed against Plaintiffs
19 for failing to hold a true EDCR 2.34 conference prior to bringing the instant Motion, which
20 would have likely resolved at least some of the issues presented.

21 **REQUEST FOR PROTECTIVE ORDER OR ALTERNATE RELIEF IF**

22 **PLAINTIFF'S MOTION IS GRANTED**

23 Rule 26(c) of the Nevada Rules of Civil Procedure, like its federal counterpart, provides
24 that "the court in which the action is pending may make any order which justice requires to
25 protect a party or person from annoyance, embarrassment, oppression or undue burden or
26 expense[.]" The rule "confers broad discretion on the trial court to decide when a protective
27 order is appropriate and what degree of protection is required" to include "that a trade secret or
28 other confidential research, development, or commercial information... be disclosed only in a

1 designated way[.]” *Seattle Times v. Rhinehart*, 467 U.S. 20, 36 (1984).

2 NRCP 26(c) articulates a “good cause” standard for ruling on a protective order motion,
3 which “requires a balancing of the interests of the parties competing to open or close the civil
4 discovery process to the public.” *Hawley v. Hall*, 131 F.R.D. 578, 584 (D. Nev. 1990). More
5 specifically, good cause “is a factual matter to be determined from the nature and character of
6 the information sought... weighed in the balance of the factual issues involved in each action.”
7 *Glick v. McKesson & Robbins, Inc.*, 10 F.R.D. 477, 479 (W.D. Mo. 1950).

8 A. DEFENDANTS SEEK A PROTECTIVE ORDER RELATED TO IRRELEVANT
9 FINANCIAL DISCOVERY

10 As discussed above, the information sought by Plaintiff’s requests for production of
11 documents is not relevant to the subject matter of the action. Further, pursuant to NRCP
12 26(b)(2) this Court has the authority to limit discovery to those means which are more
13 convenient or less burdensome. In this case, the corporate structure of Defendants is certainly
14 less burdensome and more convenient to simply provide verified interrogatory responses as
15 Defendants have done. The production of their confidential internal documents would be
16 burdensome and is unnecessarily cumulative of the answers already provided.

17 Further, Defendants are not publicly held companies and do not disclose their corporate
18 financial information. Yet, that is what Plaintiffs are requesting. Defendants consider their
19 corporate structure and internal corporate documentation to be a trade secret and confidential
20 commercial information, both bases for granting a protective order. *Seattle Times, supra*, 467
21 U.S. at 36. Further, as discussed above, the information sought has no relevance at all to the
22 subject matter of the pending litigation.

23 B. DEFENDANT LANDRY’S SEEKS EDCR 2.34(e) RELIEF DUE TO LIKELY
24 PENDING APPEAL

25 By the time this Motion is heard, it will either be moot as to Defendant Landry’s or it is
26 anticipated that Defendant will be seeking writ relief from the Nevada Supreme Court (due to
27 the time between the decision on Defendant’s Motion and the hearing on this Motion, it is
28 possible either a decision from the district court may be pending or Defendant’s writ may not be

1 finalized).

2 As the Court is aware, contested jurisdiction has been recognized by the Supreme Court
3 as a reason for granting such relief. *See, Fulbright & Jaworski LLP v. Eighth Judicial Dist.*
4 *Court in & for County of Clark*, 399 P.3d 366 (Nev. 2017) (recognizing waiting for appeal is
5 inadequate remedy for lack of personal jurisdiction). Toward that end, Defendant has sought a
6 stay of the case pursuant to NRAP 8 from the district Court. In the event that stay is not granted,
7 Defendant Landry's would respectfully request relief in the form of a longer time period in
8 which to respond to provide the Supreme Court time to consider Defendant's anticipated writ.

9 Accordingly, Defendant would respectfully request that, in the event Landry's MSJ is
10 denied and Landry's NRAP 8 relief is denied, that the commissioner grant a period of time to
11 respond that would give the Appellate or Supreme Court time to review the writ. Further, in the
12 event that Landry's Motion is still pending, it would respectfully request the Commissioner
13 provide the time in which to respond – if applicable – start following the Court's decision.

14 III. CONCLUSION

15 Based on the foregoing law and argument, Defendants respectfully request that
16 Plaintiff's Motion be denied. In the event that it is granted, Defendants request a protective
17 order be granted.

18 DATED this 11th day of September, 2017.

19 GRANT & ASSOCIATES

20 /s/ *Annalisa N. Grant, Esq.*

21 _____
22 ANNALISA N. GRANT, ESQ.
23 Nevada Bar No. 11807
24 7455 Arroyo Crossing Parkway, Suite 300
25 Las Vegas, Nevada 89113

26 Attorney for Defendant
27 GOLDEN NUGGET, INC. AND
28 LANDRY'S, INC.

CERTIFICATE OF SERVICE

I certify that I am an employee of GRANT & ASSOCIATES and that on this 11TH day of September, 2017, I served a true and correct copy of the foregoing **DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO COMPEL DISCOVERY FROM DEFENDANTS LANDRY'S, INC. AND GOLDEN NUGGET, INC. And REQUEST FOR SANCTIONS** by serving as follows:

 x Through the Court authorized electronic mail to all parties listed on the master service pursuant to Administrative Order 14-2 and Rule 9 of the NEFCR;

 depositing said document(s) with the U.S. Postal Service;

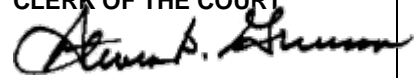
addressed to the following person(s) at the address(es) listed below:

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Attorneys for Plaintiff Joe N. Brown and Nettie J. Brown

DISTRICT COURT

CLARK COUNTY, NEVADA

JOE N. BROWN, an individual, and his Wife,
NETTIE J. BROWN, an individual

Plaintiffs,

vs.

LANDRY'S, INC., a foreign corporation;
GOLDEN NUGGET, INC, a Nevada
corporation, d/b/a GOLDEN NUGGET
LAUGHLIN; GNL, CORP.; DOE
INDIVIDUALS 1-100; ROE BUSINESS
ENTITIES 1-100,

Defendants.

AND ASSOCIATED CASES

Case No.: A-16-739887-C

Dept. No.: XXXI

**REPLY IN SUPPORT OF PLAINTIFFS'
MOTION TO COMPEL DISCOVERY
FROM DEFENDANTS
LANDRY'S, INC. AND GOLDEN
NUGGET, INC. and
REQUEST FOR SANCTIONS**

Date: October 13, 2017

Time: 9:30 a.m.

(Before the Discovery Commissioner)

Plaintiffs Joe N. Brown and Nettie J. Brown ("Plaintiffs"), by and through their attorneys of record, the law office of Iqbal Law PLLC, hereby file the following Reply in support of their Motion to Compel Discovery from Defendants Landry's, Inc. and Golden Nugget, Inc. and Request for Sanctions ("Motion" or "Mot.").

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**REPLY IN SUPPORT OF PLAINTIFFS' MOTION TO COMPEL DISCOVERY FROM
DEFENDANTS LANDRY'S, INC. AND GOLDEN NUGGET, INC. and
REQUEST FOR SANCTIONS**

1 **I. INTRODUCTION.**

2 Defendants’ Opposition to Plaintiffs’ Motion to Compel Discovery from Defendants
3 Landry’s, Inc. and Golden Nugget, Inc. and Request for Sanctions (“Opp.”) regrettably elides over
4 the very facts that have made the instant Motion necessary. In a way, Defendants Landry’s Inc.
5 (“Landry’s”) and Golden Nugget, Inc.’s (“GNI”) (collectively, “Defendants”) failure to level with
6 the Court concerning their behavior is understandable: the facts are bad for them. Nonetheless,
7 the Court should not be misled about how the parties reached their current impasse.

8 As established in Plaintiffs’ Motion, and as discussed more fully below, Defendants have
9 failed to comply with their discovery obligations and are apparently will not ever comply unless
10 forced to do so by this Court. Accordingly, Plaintiffs’ Motion should be granted.

11 **II. ANALYSIS.**

12 **A. Defendants’ Attempted Invocation of EDCR 2.34 Ignores Plaintiffs’ Repeated**
13 **Formal and Informal Efforts to Obtain Discovery.**

14 Defendants’ brief does not actually contest any of the evidence presented in Plaintiffs’
15 papers. In particular, Defendants do not dispute the fact that Plaintiffs informally attempted to
16 obtain from Defendants evidence supporting their claim that they should not be parties in this case;
17 nor do Defendants deny that they provided nothing in response. *See* Declaration of Mohamed A.
18 Iqbal, Jr. (“Iqbal Decl.”), filed concurrently with the Motion, at ¶ 2.

19 Instead, Defendants complain that Plaintiffs did not conduct a “legitimate” meet-and-
20 confer conference pursuant to EDCR 2.34, suggesting they would have behaved differently had
21 Plaintiffs done so. *Opp.* at 3:14-24. In this, Defendants are less than candid about the actual
22 sequence of events:

- 23 • after receiving Defendants’ responses to Plaintiffs’ discovery requests, Plaintiffs sent
24 two meet-and-confer letters to Defendants’ counsel, pointing out the deficiencies in
25 their responses (Iqbal Decl., ¶ 4);
26 • the meet-and-confer letters *specifically requesting a conference to address them*
(*Mot.*, Exhibit K);

27 **REPLY IN SUPPORT OF PLAINTIFFS’ MOTION TO COMPEL DISCOVERY FROM**
28 **DEFENDANTS LANDRY’S, INC. AND GOLDEN NUGGET, INC. and**
REQUEST FOR SANCTIONS

- 1 • Defendants *never responded to Plaintiffs’ meet-and-confer attempts* at any point prior
2 to the filing of the instant Motion, *and still have not done so* (Iqbal Decl., ¶ 4); and
3 • Defendants’ and Plaintiffs’ counsel discussed this and other discovery issues
4 immediately after Defendants’ motion for summary judgment was denied, and
5 Plaintiffs’ NRCP 56(f) countermotion for discovery was granted (Iqbal Decl., ¶ 5).

6 Defendants’ papers do not deny this is true; yet they nonetheless posture as though they have
7 somehow been aggrieved. But Defendants cannot use their own obstinacy as a shield against their
8 discovery obligations, much less a sword with which to attack Plaintiffs’ motion.

9 Defendants are similarly stingy with the facts regarding the motion practice that preceded
10 the discussion between counsel after Defendants’ failed motion for summary judgment, arguing
11 that although “discovery responses were discussed, it was not the subjects or reasoning identified”
12 in their motion. Opp. 3:16-21. In fact, after their unsuccessful efforts to persuade the Court to
13 dismiss this case (on largely the same jurisdictional grounds raised in their opposition brief),
14 Defendants moved for summary judgment on the same grounds; and *Plaintiffs filed a*
15 *countermotion for discovery under Rule 56(f)*, citing the same deficiencies raised in the instant
16 Motion, as well as Defendants’ refusal to meet and confer with Plaintiffs’ counsel. Iqbal Decl., ¶
17 5; *see also* Plaintiffs’ Opposition to Defendants’ Motion for Summary Judgment and, in the
18 Alternative, Request for Discovery Under NRCP 56(f).¹ The Court did not just deny Defendants’
19 request for summary judgment; *the Court granted Plaintiffs’ countermotion for discovery*. Iqbal
20 Decl. ¶ 5; *see also* Order Denying Defendants’ Motion for Summary Judgment and Granting
21 Plaintiffs’ Countermotion for Discovery Under NRCP 56(f).

22 Finally, Defendants’ opposition contains the truly remarkable off-hand admission that they
23 have documents responsive to Plaintiffs’ discovery request; but have even now, after months of

24
25 ¹ For the Court’s convenience, copies of the Defendants’ summary judgment moving papers and
26 reply, and the Plaintiffs opposition and countermotion for discovery, are attached hereto as Exhibit L.
27 Plaintiffs respectfully ask the Court to take notice of its own docket in deciding the current Motion.

28 **REPLY IN SUPPORT OF PLAINTIFFS’ MOTION TO COMPEL DISCOVERY FROM**
 DEFENDANTS LANDRY’S, INC. AND GOLDEN NUGGET, INC. and
 REQUEST FOR SANCTIONS

litigation, withheld them – apparently because Plaintiffs did not dance to Defendants’ specific tune:

Had Plaintiff conducted a true EDCR 2.34 conference on the issue, Defendant Landry’s may have been willing to provide certain *limited* documentation requested as it has been offering to try to satisfy Plaintiff’s (*sic*) concerns since before any party answered in this case.

Opp. 3:22-24 (emphasis in original). Defendants’ behavior gives lie to their claim to have offered to satisfy Plaintiffs’ concerns: as noted above, Plaintiffs twice attempted, in writing, to schedule a meet-and-confer conference, and Defendants ignored both requests. When Plaintiffs’ counsel met with Defendants’ lawyer immediately after the granting of Plaintiffs’ countermotion for discovery, Defendants counsel promised to provide revised responses, but provided none of documents they now admit to having. Iqbal Decl. ¶ 5. More fundamentally, it is not Plaintiffs’ responsibility to guess what Defendants will deem a “true” meet and confer.

Defendants have, by their admission, acknowledged that they have responsive documents, and that the documents are not privileged (else a “true” conference would not be enough to obtain them). Plaintiffs made proper discovery requests and won the right to take discovery under Rule 56(f). They should not have had to bring the instant Motion, and Defendants should not be still withholding their responsive documents.

B. The Court Has Thus Far Rejected Defendants’ Jurisdictional Arguments; But Evidence Regarding Ownership and Control of the Laughlin Nugget Remains Relevant.

Plaintiffs have alleged all three defendants in this case jointly exercise ownership and control of the Laughlin Nugget, where the Plaintiffs’ injuries are alleged to have occurred. First Amended Complaint, ¶ 4. During litigation of Defendants’ summary judgment motion, Plaintiffs presented evidence that Defendants have repeatedly touted their ownership and control of the premises: in public statements as recent as 2016, for example, Landry’s asserted it exercised

**REPLY IN SUPPORT OF PLAINTIFFS’ MOTION TO COMPEL DISCOVERY FROM
DEFENDANTS LANDRY’S, INC. AND GOLDEN NUGGET, INC. and
REQUEST FOR SANCTIONS**

1 control over operations of the Laughlin Nugget in the wake of a breach of customer data. Coupled
2 with prior statements regarding upgrades and renovations at the Laughlin Nugget, and Golden
3 Nugget Inc.'s claims of ownership and operation to the U.S. Securities and Exchange Commission,
4 the evidence is sufficient to infer that Landry's and GNI, along with their co-defendant GNL Corp.,
5 call the shots at the Laughlin Nugget. *See* Plaintiffs' Opposition to Defendants' Motion for
6 Summary Judgment and, in the Alternative, Request for Discovery Under NRCP 56(f), *passim*,
7 and the exhibits thereto.

8 Under Nevada law, relevant evidence means evidence "having any tendency to make the
9 existence of any fact that is of consequence to the determination of the action more or less probable
10 than it would be without the evidence." NRS 48.015. Defendants' entire defense to date – up to
11 and including their opposition to the instant Motion – has been premised on the notion that, their
12 own statements to the press, the public, and the government notwithstanding, they do not own or
13 control the Laughlin Nugget. *See e.g.* Opp. 4:6-6:7. While the Court has rejected these arguments,
14 it has done so without prejudice – meaning that evidence regarding ownership and control of the
15 Laughlin Nugget remains relevant and therefore discoverable. *See e.g.* NRCP 26(b)(1) (discovery
16 extends to claims *and defenses*).

17 As for Defendants' arguments that they "fully answered" Plaintiffs' discovery (Opp. 6:8-
18 10): as noted in Plaintiffs' opening brief, Defendants initially paraphrased the discovery requests,
19 making their answers non-responsive. *See* Mot. Exhibits A-J. Defendants characterize their
20 paraphrasing as "minor typographical errors," Opp. 3:16-18; yet when called out by Plaintiffs in
21 the meet-and-confer letters, failed to respond. *See* Mot. Exh. K; Iqbal Decl. ¶ 4. Even the
22 "corrected" responses continue to sidestep questions of control, and Defendants still refuse to
23 produce even a single document in response to any of the document requests. Defendants have by
24 no stretch of the imagination "fully answered" discovery.

25 ///

26 **REPLY IN SUPPORT OF PLAINTIFFS' MOTION TO COMPEL DISCOVERY FROM**
27 **DEFENDANTS LANDRY'S, INC. AND GOLDEN NUGGET, INC. and**
28 **REQUEST FOR SANCTIONS**

1 **C. Sanctions Against Defendants Are Fully Justified.**

2 The Defendants concede that sanctions are called for in this matter, although they put the
3 blame on the wrong parties: “If any fees would be warranted, they should be assessed against
4 Plaintiffs for failing to hold a true EDCR 2.34 conference prior to bringing the instant Motion,
5 which would have likely resolved at least some of the issues presented.” Opp. 8:18-20. In fact, *it*
6 *is undisputed that Plaintiffs repeatedly attempted to meet and confer with Defendants* and it is
7 likewise undisputed that *Defendants failed to respond*. After losing on Plaintiffs’ motion for
8 discovery, *Defendants still produced no new documents*. Even now, Defendants will not commit
9 to actually produce anything: instead, they only assert that they “may” in the past have been willing
10 to produce “certain *limited* documentation” in response to a request they liked. Opp. 3:22-24
11 (emphasis in original). Such vague, non-specific, and evasive representations are not a substitute
12 for compliance with discovery. NRCP 37(a)(3).

13 Defendants are playing games with Plaintiffs, and have been since the beginning of this
14 case; and the evidence accumulated over more than a year of litigation shows they will continue
15 to do so unless sanctioned by the Court.² Plaintiffs’ Motion should therefore be granted, and
16 Defendants ordered to pay Plaintiffs fees and costs for bringing it, along with such other and further
17 sanctions as may be warranted for any further noncompliance.

18 **D. No Additional Protective Order is Warranted.**

19 As noted in Plaintiffs’ opening brief, a stipulated protective order – drafted by Defendants’
20 counsel – has already been entered in this case. Plaintiffs have no objection to production of
21 _____

22 ² Defendants have also *repeatedly clogged* the Court’s docket with the same defeated notion –
23 *despite no new* evidentiary/factual grounds (and there are no new grounds because of the basis of the instant
24 Motion – Defendants’ failure to produce relevant documents). The notion that Defendants’ have no
25 ownership ties to the Golden Nugget Laughlin has been rejected by the Court in a Motion to Dismiss filed
26 on February 22, 2017 and again in a Motion for Summary Judgment filed on May 23, 2017; this notion is
again pending in a Motion for Reconsideration to be heard on October 10, 2017, which was filed just one
day after the Notice of Entry of Order on the denied Motion for Summary Judgment.

27 **REPLY IN SUPPORT OF PLAINTIFFS’ MOTION TO COMPEL DISCOVERY FROM**
28 **DEFENDANTS LANDRY’S, INC. AND GOLDEN NUGGET, INC. and**
 REQUEST FOR SANCTIONS

documents under this protective order, and in fact reminded Defendants of its existence in their meet-and-confer letters. Mot. Exhibit K. Defendants have not indicated why their own protective order is inadequate, indicating that their request for further, unspecified protection is simply another stalling tactic. Moreover, because Defendants have not certified that they conferred or attempted to confer with Plaintiffs in good faith (and indeed, cannot truthfully make such a certification), they are not entitled to any further protective orders. NRCP 26(c).

III. CONCLUSION.

For all the foregoing reasons, Plaintiffs' Motion should be granted, and Defendants required to pay Plaintiffs fees and costs for bringing it; and Defendants should be subject to such other and further sanctions as necessary to ensure their compliance with the NRCP's discovery requirements.

Dated this 6th day of October 2017.

Respectfully Submitted,

IQBAL LAW PLLC

By: /s/ Mohamed A. Iqbal, Jr.
Mohamed A. Iqbal, Jr. (NSB #10623)
Christopher Mathews (NSB #10674)

*Attorneys for Plaintiffs Joe N. Brown and
Nettie J. Brown*

**REPLY IN SUPPORT OF PLAINTIFFS' MOTION TO COMPEL DISCOVERY FROM
DEFENDANTS LANDRY'S, INC. AND GOLDEN NUGGET, INC. and
REQUEST FOR SANCTIONS**

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of IQBAL LAW PLLC, and that on this 6th day of October, 2017 I caused to be served a true and correct copy of the foregoing **REPLY IN SUPPORT OF PLAINTIFFS’ MOTION TO COMPEL DISCOVERY FROM DEFENDANTS LANDRY’S, INC. AND GOLDEN NUGGET, INC. and REQUEST FOR SANCTIONS** in the following manner:

(**ELECTRONIC SERVICE**) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court’s facilities to those parties listed on the Court’s Master Service List.

Grant & Associates

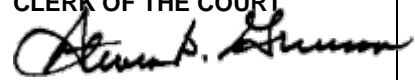
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**REPLY IN SUPPORT OF PLAINTIFFS’ MOTION TO COMPEL DISCOVERY FROM
DEFENDANTS LANDRY’S, INC. AND GOLDEN NUGGET, INC. and
REQUEST FOR SANCTIONS**



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Attorneys for Plaintiffs Joe N. Brown and Nettie J. Brown

**DISTRICT COURT
CLARK COUNTY, NEVADA**

JOE N. BROWN, an individual and his Wife,
NETTIE J. BROWN, an individual,

Plaintiff,

vs.

LANDRY'S, INC., a foreign corporation;
GOLDEN NUGGETT, INC., a Nevada
corporation, d/b/a GOLDEN NUGGET
LAUGHLIN; GNL, CORP.; DOE
INDIVIDUALS 1-100; ROE BUSINESS
ENTITIES 1-100,

Defendants.

AND ASSOCIATED CASES

Case No.: A-16-739887-C

Dept. No.: XXXI

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that the Order Re Motion for Reconsideration has been entered on October 31, 2017, a copy of which is attached hereto.

Dated this 31st day of October, 2017.

IQBAL LAW PLLC

By: /s/ Mohamed A. Iqbal

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Christopher Mathews (NSB #10674)

101 Convention Center Dr., Suite 1175

Las Vegas, Nevada 89109

Attorneys for Plaintiffs Joe N. Brown and

Nettie J. Brown

NOTICE OF ENTRY OF ORDER

1 of 2

JNB00398

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I am an employee of IQBAL LAW PLLC, and that on this
3 31st day of October 2017 I caused to be served a true and correct copy of foregoing **NOTICE**
4 **OF ENTRY OF ORDER** regarding the Order Re Motion for Reconsideration in the following
5 manner:
6

7 **(ELECTRONIC SERVICE)** Pursuant to Administrative Order 14-2, the above-
8 referenced document was electronically filed on the date hereof and served through the Notice of
9 Electronic Filing automatically generated by the Court's facilities to those parties listed on the
10 Court's Master Service List.
11

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22 An employee of IQBAL LAW PLLC
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Attorneys for Plaintiff Joe N. Brown and Nettie J. Brown

DISTRICT COURT

CLARK COUNTY, NEVADA

JOE N. BROWN, an individual, and his Wife,
NETTIE J. BROWN, an individual

Plaintiffs,

vs.

LANDRY'S, INC., a foreign corporation;
GOLDEN NUGGET, INC, a Nevada
corporation, d/b/a GOLDEN NUGGET
LAUGHLIN; GNL, CORP.; DOE
INDIVIDUALS 1-100; ROE BUSINESS
ENTITIES 1-100,

Defendants.

AND ASSOCIATED CASES

Case No.: A-16-739887-C

Dept. No.: XXXI

**ORDER RE MOTION FOR
RECONSIDERATION**

On October 10, 2017, this Court held a hearing on the Motion for Reconsideration ("Recon. Motion") brought by Defendants Landry's, Inc. ("Landry's") and Golden Nugget, Inc. ("GNI") (collectively, "Defendants"), seeking reconsideration of this Court's July 31, 2017, Order denying Defendants' Motion for Summary Judgment ("MSJ") and granting Plaintiffs Joe N. Brown and Nettie J. Brown's ("Plaintiffs") request for discovery pursuant to Nev. R. Civ. P. 56(f).^{*} Lee J.

^{*} Defendant GNL, Corp. ("GNL") did not join in the original MSJ or the Recon. Motion, nor did the third-party defendants.

ORDER RE MOTION FOR RECONSIDERATION

1 Grant, Esq., appeared for Defendants; Mohamed A. Iqbal, Jr., Esq., appeared on behalf of
2 Plaintiffs; and Will Mitchell, Esq., appeared on behalf of the third-party defendants.

3 Based upon the pleadings and papers of record and the evidence submitted, the Court enters
4 the following essential:

5 **FINDINGS OF FACT**

6 1. Plaintiffs initiated this case by filing a Complaint with this Court on July 12, 2016, alleging,
7 *inter alia*, various acts of negligence by Defendants leading to severe physical injuries to Plaintiff
8 Joe N. Brown at the Golden Nugget hotel, resort, and casino complex in Laughlin, Nevada (the
9 “Laughlin Nugget”).

10 2. Plaintiffs subsequently amended their complaint on September 1, 2016. The amendment
11 was made as of right pursuant to Nev. R. Civ. P. 15(a) as no responsive pleading had yet been
12 served. The amendment, *inter alia*, added GNL as a defendant.

13 3. On February 17, 2017, Plaintiffs noticed their intent to take Defendants’ defaults.

14 4. On February 22, 2017, Defendants moved to dismiss all of Plaintiffs’ claims against them.
15 Defendant Landry’s alleged its dismissal was proper because it is a foreign corporation lacking
16 sufficient contacts with the State of Nevada to support the exercise of this Court’s personal
17 jurisdiction. Defendant GNI argued Plaintiffs failed to state a claim against it pursuant to Nev. R.
18 Civ. P. 12(b)(5), because the allegations in Plaintiffs’ First Amended Complaint (“FAC”) alleging
19 that Landry’s and GNI jointly exercise ownership and control of the Laughlin Nugget are untrue.
20 Both Defendants cited and relied on statements made in discovery by their non-moving co-
21 defendant, GNL. Plaintiffs, however, produced public statements by Defendants asserting that in
22 fact they own and operate the Laughlin Nugget.

23 5. After a hearing on March 28, 2017, the Court concluded Plaintiffs had made a *prima facie*
24 showing that Defendants exercise ownership and control of the Laughlin Nugget such that the
25 Court’s exercise of specific personal jurisdiction over Landry’s was proper, and dismissal of GNI
26 under Rule 12(b)(5) would be inappropriate. The Court denied Defendants’ motion without
27 prejudice by Order entered April 25, 2017.

28 **ORDER RE MOTION FOR RECONSIDERATION**

1 6. On May 23, 2017, Defendants moved for summary judgment. Their MSJ was based on
2 substantially the same arguments as their prior motion to dismiss; and in addition to discovery
3 responses from GNL, Defendants pointed to discovery responses they themselves provided to
4 Plaintiffs, relating to the ownership and control of the Laughlin Nugget. For their part, Plaintiffs
5 produced additional statements by Defendants to the public, the press, and the government, made
6 via websites, statements in news articles, and filings with the U.S. Securities and Exchange
7 commission. Plaintiffs also alleged deficiencies in Defendants' compliance with their discovery
8 obligations, including *inter alia*, Defendant GNI's failure to accurately reproduce certain
9 interrogatories when framing its responses; evasion and/or non-responsiveness by both Defendants
10 to certain questions; and the failure of both Defendants produce any documents whatsoever in
11 response to Plaintiffs' requests for production. Plaintiffs asked for leave to pursue proper answers
12 to their discovery, and additional discovery, pursuant to Nev. R. Civ. P. 56(f).

13 7. At a hearing on June 27, 2017, the Court concluded that Defendants had not met their
14 burden of showing there are no genuine issues of material fact as to the ownership and control of
15 the Laughlin Nugget. The Court further concluded that Plaintiffs demonstrated good cause for
16 their request for additional discovery on these issues. Accordingly, by Order entered July 31,
17 2017, the Court denied Defendants' MSJ and granted Plaintiffs' countermotion for discovery under
18 Rule 56(f).

19 8. On August 1, 2017, Defendants filed the instant Recon. Motion, asserting they have now
20 made certain disclosures that were previously not timely filed, and corrected discrepancies in
21 GNI's discovery responses which they characterized as minor typographical errors. They did not
22 provide the Court with any additional evidence, or call the Court's attention new developments in
23 the law. Plaintiffs responded that Defendants had produced nothing new, alleging that even with
24 changes correcting the "typographical errors" Defendants' answers remained evasive and non-
25 responsive. They also pointed out that Defendants still have produced no documents or privilege
26 logs.

27
28 **ORDER RE MOTION FOR RECONSIDERATION**

9. Any finding of fact which should more appropriately be consider a conclusion of law shall be so construed.

Based upon these findings of fact, and upon consideration of the arguments of counsel, the Court further enters the following:

CONCLUSIONS OF LAW

10. To prevail against Defendants' motion to dismiss as to Landry's, Plaintiffs were required to make, and did make, a *prima facie* showing that one or more causes of action in the FAC arose from Landry's purposeful contacts with the State of Nevada. NRS 14.065; *Arbella Mut. Ins. Co. v. Eighth Judicial Dist. Court*, 134 P.3d 710, 712 (Nev. 2006); *Baker v. Eighth Judicial Dist. Court*, 999 P.2d. 1020, 1023 (Nev. 2000); *Rio Properties, Inc. v. Rio International Interlink*, 284 F.3d 1007 (9th Cir. 2002). While Landry's does not concede its alleged ownership and control of the Laughlin Nugget, a *prima facie* showing does not mean a showing free of dispute. The various statements by Defendants were and are sufficient to meet Plaintiffs' burden.

11. As to GNI's portion of Defendants motion to dismiss: courts considering a motion under Rule 12(b)(5) are required to construe the pleadings liberally, accept all factual allegations therein as true, and draw every fair inference in favor of the non-moving party. *Blackjack Bonding v. Las Vegas Mun. Ct.*, 14 P.3d 1275, 1278 (Nev. 2000) and *Buzz Stew, LLC v. City of N. Las Vegas*, 181 P.3d 670, 672 (Nev. 2008). Applying that standard, Plaintiffs' allegations were and are sufficient even though GNI contends they are incorrect.

12. On their motion for summary judgment, Defendants were required to show the absence of any issue of material fact that would allow a rational trier of fact to return a verdict for Plaintiffs, and that Defendants are entitled to a judgment as a matter of law. Nev. R. Civ. P. 56(c); *Wood v. Safeway, Inc.*, 121 P.3d 1026, 1031 (Nev. 2005); *Butler v. Bogdanovich*, 705 P.2d 662, 663 (Nev. 1985); *Harry v. Smith*, 893 P.2d 372 (Nev. 1995). When evaluating the evidence, the Court had to accept all evidence favorable to Plaintiffs as true and grant Plaintiffs all favorable inferences therefrom. *Hidden Wells Ranch, Inc. v. Strip Realty, Inc.*, 425 P.2d 599 (Nev. 1967); *Mullis v. Nevada Nat'l Bank*, 654 P.2d 533 (Nev. 1982); *Jones v. First Mortgage Co. of Nevada*, 915 P.2d

ORDER RE MOTION FOR RECONSIDERATION

1 883 (1996). The evidence presented by Defendants was and is insufficient to meet their burden of
2 proof.

3 13. Reconsideration is proper only in those “very rare instances” in which “substantially
4 different evidence is subsequently introduced” or there are new issues of law that support a ruling
5 contrary to the original ruling. *Masonry and Tile Contractors Assoc. of S. Nev. v. Jolley, Urga &*
6 *Wirth, Ltd.*, 941 P.2d 486, 489 (Nev. 1997), citing *Moore v. City of Las Vegas*, 551 P.2d 244, 246
7 (Nev. 1976). Defendants offered no new evidence or issues of law that would meet this standard,
8 and so reconsideration is not appropriate; however, as the Court pointed out in its oral ruling at the
9 hearing on October 10, 2017, even if the Court were inclined to reconsider the merits of its initial
10 ruling on the MSJ, it would still find summary judgment inappropriate.

11 14. Any conclusion of law which should more appropriately be consider a finding of fact shall
12 be so construed.

13 Now, therefore, good cause appearing,

14 **IT IS HEREBY ORDERED, DECREED, AND ADJUDGED** that:

15 15. Defendants’ Motion for Reconsideration is **DENIED**.


16 **IT IS SO ORDERED.**

17 Dated: October 26, 2017.

18  JOANNA S. KISHNER
19 HONORABLE JOANNA S. KISHNER
20 District Court Judge

21 *On 10/23/17 9:12 am*
22 Respectfully submitted, following circulation to all counsel
23 in attendance at the October 10, 2017, hearing with
24 reasonable time to review, approve, comment and/or object, by:

24 IQBAL LAW PLLC

25 By:  *10/24/17 4:48 pm*
26 Mohamed A. Iqbal, Jr. (NSB #10623)
27 Christopher Mathews (NSB #10674)
28 Attorneys for Plaintiffs Joe N. Brown and Nettie J. Brown

ORDER RE MOTION FOR RECONSIDERATION