

CASE NO.

**IN THE
SUPREME COURT OF NEVADA**

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Elizabeth A. Brown
Clerk of Supreme Court

**MOTI PARTNERS, LLC; MOTI PARTNERS 16, LLC; LLTQ
ENTERPRISES, LLC; LLTQ ENTERPRISES 16, LLC; TPOV
ENTERPRISES, LLC; TPOV ENTERPRISES 16, LLC; FERG, LLC;
FERG 16, LLC; AND R SQUARED GLOBAL SOLUTIONS, LLC,
DERIVATIVELY ON BEHALF OF DNT ACQUISITION LLC,**

Petitioners,

vs.

**EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK, AND THE HONORABLE
TIMOTHY C. WILLIAMS, DISTRICT JUDGE,**

Respondents,

-and-

**DESERT PALACE, INC.; PARIS LAS VEGAS OPERATING
COMPANY, LLC; PHWLTV, LLC, AND BOARDWALK REGENCY
CORPORATION,**

Real Parties in Interest.

**DISTRICT COURT CASE NO. A-17-751759-B
CONSOLIDATED WITH A-17-760537-B**

**PETITIONERS' APPENDIX TO
PETITION FOR EXTRAORDINARY WRIT RELIEF**

VOLUME 7 OF 9

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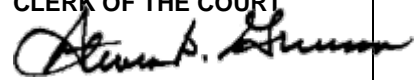
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EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

ROWEN SEIBEL, an individual and citizen of
New York, derivatively on behalf of Real Party
in Interest GR BURGR LLC, a Delaware
limited liability company,

Plaintiff,

v.

PHWLTV, LLC, a Nevada limited liability
company; GORDON RAMSAY, an
individual; DOES I through X; ROE
CORPORATIONS I through X,

Defendants,

and

GR BURGR LLC, a Delaware limited liability
company,

Nominal Plaintiff.

Case No.: A-17-751759-B

Dept. No.: XVI

Consolidated with A-17-760537-B

**STIPULATION AND PROPOSED
ORDER TO EXTEND DISCOVERY
DEADLINES (NINTH REQUEST)**

AND ALL RELATED MATTERS

The Parties, PHWLTV, LLC ("Planet Hollywood"), Gordon Ramsay ("Ramsay"), Rowen Seibel ("Seibel"), Craig Green ("Green"), Desert Palace, Inc. ("Caesars Palace"), Paris Las Vegas Operating Company, LLC ("Paris"), Boardwalk Regency Corporation d/b/a Caesars Atlantic City ("CAC," and collectively with Caesars Palace, Paris, and Planet Hollywood, "Caesars"), LLTQ Enterprises, LLC ("LLTQ"), LLTQ Enterprises 16, LLC ("LLTQ 16"), FERG LLC ("FERG"), FERG 16, LLC ("FERG 16"), MOTI Partners, LLC ("MOTI"), MOTI Partners 16, LLC ("MOTI 16"), TPOV Enterprises, LLC ("TPOV"), TPOV 16 Enterprises, LLC ("TPOV 16"), Original Homestead Restaurant, Inc. ("OHR"), R Squared Global Solutions, LLC ("R Squared"), derivatively on behalf of DNT Acquisition, LLC ("DNT"), and GR Burgr, LLC ("GRB") (the "Parties"), by and through their undersigned counsel of record, hereby stipulate and request to modify the schedule set by this Court's Sixth Amended Order Setting Civil Jury Trial, Pre-Trial, Calendar Call, and Deadlines for Motions; Amended Discovery Scheduling Order dated June 18, 2020 (the "Sixth Scheduling Order"). This is the ninth request for an extension of discovery deadlines. The Parties stipulated to six extensions and this Court previously ordered two extensions following opposed motions. This Stipulation is being entered into in good faith and not for the purposes of delay, as good cause appears to extend discovery deadlines.

I. STATEMENT OF DISCOVERY COMPLETED TO DATE.

- Planet Hollywood served its initial disclosures in Case No. A-17-751759 on August 21, 2017.
- Planet Hollywood served privilege/redaction logs in Case No. A-17-751759 on September 5, 2017. Planet Hollywood supplemented its disclosures on January 9, 2018.
- Seibel served his initial disclosures in Case No. A-17-751759 on August 21, 2017.
- Ramsay also served his initial disclosures in Case No. A-17-751759 on August 21, 2017.
- Caesars served its initial disclosures in Case No. A-17-760537-B (together with Case No. A-17-751759, the "Consolidated Action") on November 6, 2018.
- Caesars served its initial privilege log in the Consolidated Action on November 16, 2018.

- J. Jeffrey Frederick (who is no longer a party to the Consolidated Action) served his initial disclosures in the Consolidated Action on November 16, 2018.
- OHR served its initial disclosures in the Consolidated Action on November 27, 2018.
- Seibel, MOTI, MOTI 16, LLTQ, LLTQ 16, TPOV, TPOV 16, FERG, FERG 16, and DNT served their initial disclosures in the Consolidated Action on November 29, 2018.
- Seibel, MOTI, MOTI 16, LLTQ, LLTQ 16, TPOV, TPOV 16, FERG, FERG 16, and DNT served their requests for the production of documents on Caesars Palace, Paris, Planet Hollywood, and CAC on January 24, 2019.
- Caesars served its First Set of Requests for Production of Documents to Frederick on January 30, 2019.
- Desert Palace served its First Set of Interrogatories to Frederick on January 30, 2019.
- Desert Palace served its First Set of Interrogatories to Seibel on February 5, 2019.
- Caesars served its First Set of Requests for Production of Documents to Seibel on February 5, 2019.
- On March 1, 2019, Frederick served his responses to Desert Palace's First Set of Interrogatories.
- On March 1, 2019, Frederick served his responses to Caesars' First Set of Requests for Production of Documents.
- On March 5, 2019, Caesars served its responses to Seibel's First Set of Requests for Production of Documents.
- On March 7, 2019, Caesars served its First Set of Requests for Production of Documents to MOTI.
- On March 7, 2019, Caesars served its First Set of Requests for Production of Documents to MOTI 16.
- On March 7, 2019, Desert Palace served its First Set of Interrogatories to LLTQ.
- On March 7, 2019, Desert Palace served its First Set of Interrogatories to LLTQ 16.
- On March 7, 2019, Desert Palace served its First Set of Interrogatories to MOTI.
- On March 7, 2019, Desert Palace served its First Set of Interrogatories to MOTI 16.

- On March 8, 2019, CAC served its First Set of Interrogatories to FERG.
- On March 8, 2019, CAC served its First Set of Interrogatories to FERG 16.
- On March 8, 2019, Caesars served its First Set of Requests for Production of Documents to FERG.
- On March 8, 2019, Caesars served its First Set of Requests for Production of Documents to FERG 16.
- On March 8, 2019, Caesars served its First Set of Requests for Production of Documents to LLTQ.
- On March 8, 2019, Caesars served its First Set of Requests for Production of Documents to LLTQ 16.
- On March 14, 2019, Paris served its First Set of Interrogatories to TPOV.
- On March 14, 2019, Paris served its First Set of Interrogatories to TPOV 16.
- On March 18, 2019, Ramsay served his First Supplement to NRCP 16.1 Disclosures.
- On March 21, 2019, Seibel served his responses to Caesars' First Set of Requests for Production of Documents.
- On March 21, 2019, Seibel served his responses to Desert Palace's First Set of Interrogatories.
- On April 12, 2019, Caesars served its First Supplemental Disclosures Pursuant to NRCP 16.1.
- On April 22, 2019, FERG served its responses to Caesars' First Set of Requests for Production of Documents.
- On April 23, 2019, FERG served its responses to Desert Palace's First Set of Interrogatories.
- On April 22, 2019, FERG 16 served its responses to Caesars' First Set of Requests for Production of Documents.
- On April 23, 2019, FERG 16 served its responses to Desert Palace's First Set of Interrogatories.

- On April 22, 2019, LLTQ 16 served its responses to Caesars' First Set of Requests for Production of Documents.
- On April 22, 2019, LLTQ 16 served its responses to Desert Palace's First Set of Interrogatories.
- On April 22, 2019, LLTQ served its responses to Desert Palace's amended First Set of Interrogatories.
- On April 22, 2019, LLTQ served its responses to Caesars' First Set of Requests for Production of Documents.
- On April 22, 2019, MOTI served its responses to Caesars' First Set of Requests for Production of Documents.
- On April 22, 2019, MOTI served its responses to Desert Palace's First Set of Interrogatories.
- On April 22, 2019, MOTI 16 served its responses to Caesars' First Set of Requests for Production of Documents.
- On April 22, 2019, MOTI 16 served its responses to Desert Palace's First Set of Interrogatories.
- On April 22, 2019, TPOV served its responses to Paris' First Set of Interrogatories.
- On April 22, 2019, TPOV 16 served its responses to Paris' First Set of Interrogatories.
- On April 30, 2019, Seibel, MOTI, MOTI 16, LLTQ, LLTQ 16, TPOV, TPOV 16, FERG, and FERG 16 (collectively, "Seibel and the Development Entities") served their First Supplemental Disclosure.
- On May 22, 2019, Caesars served its Second Supplemental Disclosures Pursuant to NRCP 16.1.
- On May 6, 2019, Seibel and the Development Entities served their Second Supplemental Disclosure.
- On May 22, 2019, Caesars served its First Supplemental Privilege Log.
- On June 6, 2019, Frederick served his First Set of Requests for Production of Documents to Desert Palace, Inc.

- 1 • On June 6, 2019, Frederick served his First Set of Requests for Production of Documents
- 2 to Paris Las Vegas Operating Company, LLC.
- 3 • On June 6, 2019, Frederick served his First Set of Requests for Production of Documents
- 4 to PHWLTV, LLC.
- 5 • On June 6, 2019, Frederick served his First Set of Requests for Production of Documents
- 6 to Boardwalk Regency Corporation, d/b/a/ Caesars Atlantic City.
- 7 • On July 30, 2019, Seibel and the Development Entities served a supplemental
- 8 production of documents.
- 9 • On August 12, 2019, Seibel and the Development Entities served Requests for
- 10 Admissions to Caesars.
- 11 • On August 12, 2019, Seibel and the Development Entities served Requests for
- 12 Admissions to Ramsay.
- 13 • On August 14, 2019, Seibel and the Development Entities served Requests for
- 14 Production of Documents to Ramsay.
- 15 • On August 14, 2019, Seibel and the Development Entities served Requests for
- 16 Production of Documents to Caesars.
- 17 • On August 27, 2019, Caesars served its Third Supplemental Disclosures Pursuant to
- 18 NRCP 16.1.
- 19 • On August 28 and 29, 2019, the Parties deposed Frederick
- 20 • On September 4 and 6, 2019, the Parties deposed Craig Green.
- 21 • On September 5, 2019, Caesars deposed the NRCP 30(b)(6) for TPOV.
- 22 • On September 6, 2019, Caesars deposed the NRCP 30(b)(6) for TPOV 16.
- 23 • On September 6, 2019, Seibel and the Development Entities served a supplemental
- 24 production of documents.
- 25 • On September 10, 2019, Seibel and the Development Entities served a supplemental
- 26 production of documents.
- 27 • On September 11, 2019, Caesars served its Responses to Seibel and the Development
- 28 Entities' Requests for Admissions.

- On September 11, 2019, Ramsay served his Responses to Seibel and the Development Entities' Requests for Admissions.
- On September 13, 2019, Caesars served its Fourth Supplemental Disclosures Pursuant to NRCP 16.1.
- On September 13, 2019, Caesars served its Responses to Seibel and the Development Entities' Requests for Production of Documents.
- On September 13, 2019, Ramsay served his Responses to Seibel and the Development Entities' Requests for Production of Documents.
- On September 16, 2019, Seibel and the Development Entities deposed Thomas Jenkin.
- On September 18, 2019, Seibel and the Development Entities served a supplemental production of documents.
- On September 19, 2019, Seibel and the Development Entities served a supplemental production of documents.
- On September 20, 2019, Seibel and the Development Entities deposed Mark Clayton, Esq.
- On September 24 and 25, 2019, Caesars began deposing Seibel.
- On September 26, 2019, Seibel and the Development Entities served a supplemental production of documents.
- On September 30, 2019, the Parties deposed Ramsay.
- On October 1, 2019, the Parties deposed the NRCP 30(b)(6) designee for Gordon Ramsay Holdings.
- On October 2, 2019, the LLTQ/FERG Defendants filed a Motion to Amend LLTQ/FERG Defendants' Answer, Affirmative Defenses and Counterclaims. That Motion was heard on November 6, 2019 and denied in its entirety.
- On October 3, 2019, Caesars served its Second Set of Requests for Production of Documents to Seibel.
- On October 7, 2019, Caesars served its Fifth Supplemental Disclosures Pursuant to NRCP 16.1.

- 1 • On October 11, 2019, Caesars served its Sixth Supplemental Disclosures Pursuant to
- 2 NRCP 16.1.
- 3 • On October 15, 2019, Seibel and the Development Entities deposited the NRCP 30(b)(6)
- 4 designee for Caesars' Capital Committee.
- 5 • On October 16, 2019, Seibel and the Development Entities deposited Richard Casto.
- 6 • On October 25, 2019, Caesars served its Third Set of Requests for Production of
- 7 Documents to Seibel.
- 8 • On October 29, 2019, the Parties deposited Marc Sherry.
- 9 • On October 30, 2019, the Parties deposited Greg Sherry.
- 10 • On October 30, 2019, Seibel and the Development Entities served their Second Request
- 11 for Production of Documents to Ramsay.
- 12 • On October 31, 2019, the Parties deposited Bryn Dorfman.
- 13 • On November 2, 2019, Seibel served his responses to Caesars' Second Set of Requests
- 14 for Production of Documents.
- 15 • On November 4, 2019, Caesars served its Seventh Supplemental Disclosures Pursuant
- 16 to NRCP 16.1.
- 17 • On November 5, 2019, Seibel and the Development Entities deposited the NRCP 30(b)(6)
- 18 designee for Caesars' Compliance Committee.
- 19 • On November 11, 2019, Seibel and the Development Entities served a supplemental
- 20 production of documents.
- 21 • On November 12, 2019, Caesars deposited the NRCP 30(b)(6) designee of LLTQ
- 22 Enterprises, LLC.
- 23 • On November 13, 2019, Caesars deposited the NRCP 30(b)(6) designee of LLTQ
- 24 Enterprises 16, LLC.
- 25 • On November 14, 2019, Caesars deposited the NRCP 30(b)(6) designee of MOTI
- 26 Partners, LLC.
- 27 • On November 14, 2019, Seibel and the Development Entities served a supplemental
- 28 production of documents.

- 1 • On November 22, 2019, Seibel and the Development Entities served their initial
- 2 privilege log.
- 3 • On November 22, 2019, Caesars served its Eighth Supplemental Disclosures Pursuant
- 4 to NRCP 16.1.
- 5 • On November 22, 2019, Caesars served its Second Supplemental Privilege Log.
- 6 • On November 25, 2019, Seibel served his responses to Caesars' Third Set of Requests
- 7 for Production of Documents.
- 8 • On December 2, 2019, Seibel and the Development Entities served a supplemental
- 9 production of documents.
- 10 • On December 3, 2019, Seibel and the Development Entities served a supplemental
- 11 production of documents.
- 12 • On December 5, 2019, Seibel and the Development Entities deposed Gary Selesner.
- 13 • On December 6, 2019, Caesars served its Third Supplemental Privilege Log.
- 14 • On December 9, 2019, Ramsay served his responses to Seibel and the Development
- 15 Entities' Second Request for Production of Documents.
- 16 • On December 11, 2019, Caesars filed a Motion for Leave to File First Amended
- 17 Complaint ("Caesars' Motion to Amend"). Caesars' Motion to Amend came before the
- 18 Court for hearing on February 12, 2020 and the Court granted the same.
- 19 • On December 12, 2019, Seibel and the Development Entities served a supplemental
- 20 production of documents.
- 21 • On December 20, 2019, Ramsay served a supplemental production of documents.
- 22 • On January 2, 2020, Ramsay served a supplemental production of documents.
- 23 • On January 31, 2020, Ramsay served his First Set of Requests for Production of
- 24 Documents to Seibel.
- 25 • On February 21, 2020, Seibel and the Development Entities served a supplemental
- 26 production of documents.
- 27 • On March 9, 2020, Caesars served a Notice of Out-of-State Subpoena Duces Tecum to
- 28 Innis & Gunn USA, Inc.

- 1 • On March 10, 2020, Caesars served a Notice of Out-of-State Subpoena Duces Tecum
- 2 to Kostelanetz & Fink, LLC.
- 3 • On March 10, 2020, Caesars served its Ninth Supplemental Disclosures Pursuant to
- 4 NRCP 16.1.
- 5 • On March 12, 2020, Caesars served a Notice of Out-of-State Subpoena Duces Tecum
- 6 to Leonard A. Sands, Esq.
- 7 • On March 23, 2020, Seibel served his responses to Ramsay's First Set of Requests for
- 8 Production of Documents.
- 9 • On April 10, 2020, Seibel, the Development Entities, and Green served a Supplemental
- 10 Disclosure of Documents and Witnesses.
- 11 • On May 15, 2020, Seibel, the Development Entities, and Green served a Supplemental
- 12 Disclosure of Documents and Witnesses.
- 13 • On May 26, 2020, Caesars served a First Amended Notice of Out-of-State Subpoena
- 14 Duces Tecum to Innis & Gunn USA, Inc.
- 15 • On May 26, 2020, Caesars served a First Amended Notice of Out-of-State Subpoena
- 16 Duces Tecum to Innis & Gunn USA, Inc.
- 17 • On May 26, 2020, Caesars served a First Amended Notice of Out-of-State Subpoena
- 18 Duces Tecum to Leonard A. Sands, Esq.
- 19 • On May 26, 2020, Caesars served a First Amended Notice of Out-of-State Subpoena
- 20 Duces Tecum to Kostelanetz & Fink.
- 21 • On May 27, 2020, Seibel served his First Supplemental Responses to Caesars' Second
- 22 Set of Requests for Production of Documents.
- 23 • On May 29, 2020, Seibel, the Development Entities, and Green served a Supplemental
- 24 Disclosure of Documents and Witnesses.
- 25 • On June 3, 2020, Caesars served Notice of Out-of-State Subpoena Duces Tecum to BR
- 26 23 Venture, LLC.
- 27 • On June 3, 2020, Caesars served Notice of Out-of-State Subpoena Duces Tecum to
- 28 Future Star Hospitality, LLC.

- On June 19, 2020, Seibel, the Development Entities, and Green served a Supplemental Disclosure of Documents and Witnesses.
- On June 29, 2020, the Court entered the Parties' Stipulation and Order Permitting Issuance of Subpoenas.
- On June 30, 2020, Desert Palace served its First Set of Interrogatories to Green.
- On June 30, 2020, Caesars served its First Set of Requests for Production of Documents to Green.
- On June 30, 2020, Caesars served a Second Amended Notice of Out-of-State Subpoena Duces Tecum to Innis & Gunn USA, Inc.
- On June 30, 2020, Caesars served a Second Amended Notice of Out-of-State Subpoena Duces Tecum to Leonard A. Sands, Esq.
- On June 30, 2020, Caesars served a Second Amended Notice of Out-of-State Subpoena Duces Tecum to Kostelanetz & Fink.
- On June 30, 2020, Caesars served an Amended Notice of Out-of-State Subpoena Duces Tecum to BR 23 Venture, LLC.
- On June 30, 2020, Caesars served an Amended Notice of Out-of-State Subpoena Duces Tecum to Future Star Hospitality, LLC.
- On June 30, 2020, FERG served its First Set of Interrogatories to CAC.
- On June 30, 2020, FERG 16 served its First Set of Interrogatories to CAC.
- On June 30, 2020, Green served his First Set of Interrogatories to Desert Palace.
- On June 30, 2020, Green served his First Set of Interrogatories to Planet Hollywood.
- On June 30, 2020, LLTQ served its First Set of Interrogatories to Desert Palace.
- On June 30, 2020, LLTQ 16 served its First Set of Interrogatories to Desert Palace.
- On June 30, 2020, MOTI served its First Set of Interrogatories to Desert Palace.
- On June 30, 2020, MOTI 16 served its First Set of Interrogatories to Desert Palace.
- On June 30, 2020, R Squared served its First Set of Interrogatories to Desert Palace.
- On June 30, 2020, Seibel served his First Set of Interrogatories to Desert Palace.
- On June 30, 2020, Seibel served his First Set of Interrogatories to Planet Hollywood.

- On June 30, 2020, TPOV served its First Set of Interrogatories to Paris.
- On June 30, 2020, TPOV 16 served its First Set of Interrogatories to Paris.
- On June 30, 2020, Seibel, the Development Entities, and Green served their Third Set of Requests for Production of Documents to Caesars.
- On July 20, 2020, Seibel, the Development Entities, and Green served a Supplemental Disclosure of Documents and Witnesses.
- On July 22, 2020, Seibel, the Development Entities, and Green served a Supplemental Disclosure of Documents and Witnesses.
- On July 24, 2020, GRB served its Initial Disclosures Pursuant to NRCP 16.1.
- On July 24, 2020, FERG served its First Set of Admissions to CAC.
- On July 24, 2020, FERG 16 served its Request for Admissions to CAC.
- On July 24, 2020, Green served his Request for Admission to CAC
- On July 24, 2020, Green served his Request for Admission to Desert Palace.
- On July 24, 2020, Green served his Request for Admission to Paris.
- On July 24, 2020, Green served his Request for Admission to Planet Hollywood.
- On July 24, 2020, LLTQ 16 served its Request for Admission to Desert Palace.
- On July 24, 2020, LLTQ served its Request for Admission to Desert Palace.
- On July 24, 2020, MOTI 16 served its Request for Admission to Desert Place.
- On July 24, 2020, MOTI served its Request for Admission to Desert Palace.
- On July 24, 2020, R Squared served its Request for Admission to Desert Palace.
- On July 24, 2020, Seibel served his Request for Admissions to CAC.
- On July 24, 2020, Seibel served his Request for Admissions to Desert Palace.
- On July 24, 2020, Seibel served his Request for Admissions to Paris.
- On July 24, 2020, Seibel served his Request for Admissions to Planet Hollywood.
- On July 24, 2020, TPOV served its Request for Admissions to Paris.
- On July 24, 2020, TPOV 16 served its Request for Admissions to Paris.
- On July 28, 2020, Wexford Capital LP responded to Caesars' Subpoena Duces Tecum.

- On July 29, 2020, Seibel, the Development Entities, and Green served a Supplemental Disclosure of Documents and Witnesses.
- On August 3, 2020, Innis & Gunn served responses to Caesars' Subpoena Duces Tecum.
- On August 4, 2020, Caesars served a Third Amended Notice of Out-of-State Subpoena Duces Tecum to Kostelanetz & Fink.
- On August 4, 2020, Caesars served a Second Amended Notice of Out-of-State Subpoena Duces Tecum to BR 23 Venture, LLC.
- On August 4, 2020, Caesars served a Second Amended Notice of Out-of-State Subpoena Duces Tecum to Future Star Hospitality, LLC.
- On August 7, 2020, Green served his responses to Desert Palace's First Set of Interrogatories.
- On August 7, 2020, Green served his responses to Caesars' First Set of Requests for Production.
- On August 11, 2020, Leonard A. Sands, Esq. responded to Caesars' Subpoena Duces Tecum.
- On August 17, 2020, Caesars served a Notice of Subpoena Duces Tecum to Sysco Las Vegas, Inc.
- On August 19, 2020, Caesars served its Tenth Supplemental Disclosures Pursuant to NRCP 16.1.
- On August 20, 2020, Seibel, the Development Entities, and Green served their Initial Expert Disclosures.
- On August 20, 2020, Caesars served its Expert Witness Disclosures Pursuant to NRCP 16.1(a)(2).
- On August 21, 2020, Caesars served its responses to Seibel, the Development Entities, and Green's Third Set of Requests for Production.
- On August 21, 2020, CAC served its responses to FERG's First Set of Interrogatories.
- On August 21, 2020, CAC served its responses to FERG 16's First Set of Interrogatories.

- On August 21, 2020, Desert Palace served its responses to R Squared's First Set of Interrogatories.
- On August 21, 2020, Desert Palace served its responses to LLTQ's First Set of Interrogatories.
- On August 21, 2020, Desert Palace served its responses to Seibel's First Interrogatories.
- On August 21, 2020, Paris served its responses to TPOV's First Set of Interrogatories.
- On August 21, 2020, Desert Palace served its responses to LLTQ 16's First Set of Interrogatories.
- On August 21, 2020, Desert Palace served its responses to Green's First Set of Interrogatories.
- On August 21, 2020, Paris served its responses to TPOV 16's First Set of Interrogatories.
- On August 21, 2020, Desert Palace served its responses to MOTI's First Set of Interrogatories.
- On August 21, 2020, PHWLV served its responses to Green's First Set of Interrogatories.
- On August 21, 2020, Desert Palace served its responses to MOTI 16's First Set of Interrogatories.
- On August 21, 2020, Planet Hollywood served its responses to Seibel's First Set of Interrogatories.
- On August 21, 2020, Caesars served its responses to Seibel, the Development Entities, and Green's Third Set of Requests for Production.
- On August 24, 2020, Paris served its responses to TPOV 16's Request for Admissions.
- On August 24, 2020, CAC served its responses to FERG 16's Request for Admissions.
- On August 24, 2020, Desert Palace served its responses to MOTI 16's Request for Admissions.
- On August 24, 2020, Desert Palace served its responses to LLTQ 16's Request for Admissions.

- 1 • On August 24, 2020, Desert Palace served its responses to Seibel's Request for
- 2 Admissions.
- 3 • On August 24, 2020, CAC served its responses to Seibel's Request for Admissions.
- 4 • On August 24, 2020, Desert Palace served its responses to Green's Request for
- 5 Admissions.
- 6 • On August 24, 2020, CAC served its responses to Green's Request for Admissions.
- 7 • On August 24, 2020, Paris served its responses to Seibel's Request for Admissions.
- 8 • On August 24, 2020, Planet Hollywood served its responses to Seibel's Request for
- 9 Admissions.
- 10 • On August 24, 2020, Desert Palace served its responses to R Squared's Request for
- 11 Admissions.
- 12 • On August 24, 2020, Paris served its responses to TPOV's Request for Admissions.
- 13 • On August 24, 2020, Desert Palace served its responses to MOTI's Request for
- 14 Admissions.
- 15 • On August 24, 2020, Desert Palace served its responses to LLTQ's Request for
- 16 Admissions.
- 17 • On August 24, 2020, CAC served its responses to FERG's First Set of Admissions.
- 18 • On August 24, 2020, Planet Hollywood served its responses to Green's Request for
- 19 Admissions.
- 20 • On August 24, 2020, Paris served its responses to Green's Request for Admissions.
- 21 • On August 24, 2020, Planet Hollywood served its responses to Seibel's Requests for
- 22 Admissions.
- 23 • On August 24, 2020, Planet Hollywood served its responses to Green's Requests for
- 24 Admissions.
- 25 • On August 24, 2020, Paris served its responses to TPOV's Request for Admissions.
- 26 • On August 24, 2020, Paris served its responses to TPOV 16's Request for Admissions.
- 27 • On August 24, 2020, Paris served its responses to Seibel's Request for Admissions.
- 28 • On August 24, 2020, Paris served its responses to Green's Request for Admissions.

- 1 • On August 24, 2020, Desert Palace served its responses to Seibel's Request for
- 2 Admissions.
- 3 • On August 24, 2020, Desert Palace served its responses to R Squared's Request for
- 4 Admissions.
- 5 • On August 24, 2020, Desert Palace served its responses to Green's Request for
- 6 Admissions.
- 7 • On August 24, 2020, Desert Palace served its responses to MOTI's Request for
- 8 Admissions.
- 9 • On August 24, 2020, Desert Palace served its responses to MOTI 16's Request for
- 10 Admissions.
- 11 • On August 24, 2020, CAC served its responses to Seibel's Request for Admissions.
- 12 • On August 24, 2020, Desert Palace served its responses to LLTQ's Request for
- 13 Admissions.
- 14 • On August 24, 2020, CAC served its responses to FERG 16's Request for Admissions.
- 15 • On August 24, 2020, CAC served its responses to FERG's First Set of Admissions.
- 16 • On August 24, 2020, Desert Palace served its responses to LLTQ 16's Request for
- 17 Admissions.
- 18 • On August 24, 2020, CAC served its responses to Green's Request for Admissions.
- 19 • On August 26, 2020, Seibel served his First Supplemental Responses to Ramsay's First
- 20 Request for Production of Documents.
- 21 • On August 28, 2020, Seibel, the Development Entities, and Green served a
- 22 Supplemental Disclosure of Documents and Witnesses.
- 23 • On September 2, 2020, Sysco Las Vegas, Inc. responded to Caesars' Subpoena Duces
- 24 Tecum.
- 25 • On September 4, 2020, Seibel, the Development Entities, and Green served a
- 26 Supplemental Disclosure of Documents and Witnesses.
- 27 • On September 9, 2020, Caesars served its Supplemental Responses to Defendants' First
- 28 Request for Production of Documents.

- On September 11, 2020, Seibel, the Development Entities, and Green served their Fourth Set of Requests for Production of Documents.
- On September 14, 2020, Seibel, the Development Entities, and Green served a redaction log.
- On September 14, 2020, Caesars served Notice of Videotaped Deposition of the Seibel Family 2016 Trust Pursuant to NRCP 20(b)(6).
- On September 16, 2020, Seibel served his First Set of Interrogatories to Ramsay.
- On September 16, 2020, Seibel, the Development Entities, and Green served their Third Set of Requests for Production of Documents to Ramsay.
- On September 16, 2020, Seibel served his First Set of Interrogatories to CAC.
- On September 16, 2020, Seibel served his First Set of Interrogatories to Paris.
- On September 16, 2020, Seibel served his Second Set of Interrogatories to Planet Hollywood.
- On September 18, 2020, Desert Palace served its First Set of Requests for Admission to OHR.
- On September 18, 2020, Desert Palace served its Second Set of Interrogatories to Seibel.
- On September 18, 2020, Caesars served its Second Set of Requests for Documents to Green.
- On September 18, 2020, Caesars served its Fourth Set of Requests for Production of Documents to Seibel.
- On September 18, 2020, Ramsay served his First Set of Requests for Admission to GRB.
- On September 18, 2020, Ramsay served his First Set of Interrogatories to GRB.
- On September 18, 2020, Ramsay served his First Set of Interrogatories to Seibel.
- On September 18, 2020, Ramsay served his First Request for Production of Documents to GRB.
- On September 18, 2020, Ramsay served his Second Requests for Production of Documents to Seibel.

- On September 18, 2020, Seibel, the Development Entities, and Green served a Supplemental Disclosure of Documents and Witnesses.
- On September 21, 2020, Seibel, the Development Entities, and Green served their Rebuttal Expert Disclosures.
- On September 21, 2020, Caesars served its Rebuttal Expert Witness Disclosures Pursuant to NRCP 16.1(a)(2).
- On September 21, 2020, BR 23 Venture, LLC responded to Caesars' Subpoena Duces Tecum.
- On September 21, 2020, Future Star Hospitality, LLC responded to Caesars' Subpoena Duces Tecum.

The Parties agreed that discovery in this matter will proceed simultaneously with discovery conducted in an action pending before the United States District Court, District of Nevada, styled as *TPOV Enterprises 16, LLC v. Paris Las Vegas Operating Company, LLC*, Case No. 2:17-cv-00346-JCM-VCF. A stipulation seeking to extend the remaining deadlines in that action in the same timeframe proposed below has been submitted.

II. DISCOVERY REMAINING TO BE COMPLETED.

With certain agreed upon limitations discussed below, the Parties anticipate completing the production of additional documents, serving additional/amended privilege logs, propounding and responding to additional written discovery, conducting additional depositions (including expert depositions), and conducting third-party document and deposition discovery.

III. REASONS WHY THE REMAINING DISCOVERY WAS NOT COMPLETED.

At the outset, Case No. A-17-751759 involved extensive motion practice. On February 28, 2017, Seibel filed a motion for preliminary injunction. Ramsay and Planet Hollywood filed their oppositions on March 17, 2017. The Court entered an order denying Seibel's motion for preliminary injunction on April 12, 2017. Thereafter, Planet Hollywood filed a motion to dismiss on April 7, 2017, to which Seibel filed an opposition on April 24, 2017. This Court entered an order granting in part, and denying in part, Planet Hollywood's motion to dismiss on June 16, 2017. Subsequently, Seibel, on behalf of GRB, filed a motion for partial summary judgment on September 18, 2017,

1 Planet Hollywood filed an opposition on October 5, 2017, and Ramsay filed his opposition on
2 October 6, 2017. On or about October 5, 2017, an order was entered in the Court of Chancery of
3 the State of Delaware dissolving GRB and appointing a liquidating trustee. As a result of the
4 Delaware Court's order, on November 7, 2017, at the hearing on the motion for partial summary
5 judgment, this Court continued the matter in order to give the trustee the opportunity to review and
6 take a position on the derivative claims brought by Seibel.

7 On or about March 30, 2020, the trustee appointed to dissolve GRB filed a Report and
8 Proposed Liquidation Plan for GRB in the Court of Chancery of the State of Delaware (the
9 "Report"). A redacted, public version of the Report was filed on April 6, 2020, addressing, among
10 other things, the derivative claims brought by Seibel in Case No. A-17-751759, the claims brought
11 by Caesars against GRB in Case No. A-17-760537, and the assignment of claims by GRB to Seibel
12 and Ramsay. Ramsay's entity, GR US Licensing, LP, filed Exceptions to the Receiver's Report and
13 Proposed Liquidated Plan, dated May 22, 2020. Seibel filed a Reply Brief in Further Support of
14 Limited Exceptions to the Receiver's Report and Proposed Liquidation Plan for GR Burgr, LLC,
15 dated June 19, 2020. A hearing on the Report was held before the Court of Chancery of the State
16 of Delaware on June 26, 2020. The Delaware court did not resolve the matter and allowed for
17 additional briefing. The Delaware proceeding remains pending.

18 In addition to the motion practice and trustee issues, the Parties stipulated to consolidate this
19 action with Case No. A-17-760537-B. On February 9, 2018, this Court entered a Stipulation and
20 Order to Consolidate. Seibel, LLTQ, LLTQ 16, FERG, FERG 16, MOTI, MOTI 16, DNT, TPOV,
21 and TPOV 16 filed Motions to Dismiss and/or Amended Motions to Dismiss on February 22, 2018.
22 Caesars filed a Consolidated Opposition to all of the Motions on March 12, 2018. These motions
23 were denied on June 1, 2018. On June 18, 2018, Seibel, LLTQ, LLTQ 16, FERG, FERG 16, MOTI,
24 MOTI 16, DNT, TPOV, and TPOV 16 filed a petition for writ of mandamus or prohibition and a
25 motion to stay the proceedings pending a decision on their petition for a writ of mandamus or
26 prohibition. Caesars filed its Opposition to the stay motion on July 9, 2018. The motion to stay was
27 denied on August 22, 2018. On September 5, 2018, Seibel, LLTQ, LLTQ 16, FERG, FERG 16,
28 MOTI, MOTI 16, DNT, TPOV, and TPOV 16 filed a Motion to Stay All District Court Proceedings

1 in the Supreme Court of Nevada. On September 14, 2018, Caesars filed its Response to the Motion
2 to Stay All District Court Proceedings in the Supreme Court of Nevada. On November 9, 2018, the
3 Supreme Court of Nevada issued an Order Denying the Motion to Stay. On June 7, 2019, the
4 Supreme Court of Nevada issued an Order Denying Petition for Writ of Mandamus or Prohibition.

5 Meanwhile, on or about August 6, 2018, OHR moved to intervene. On August 9, 2018, the
6 Parties agreed to attempt to resolve this action, as well as a number of related actions through
7 mediation. The mediation was held on October 12, 2018. This action was not resolved.

8 In May 2019, attorneys for Seibel, LLTQ, LLTQ 16, FERG, FERG 16, MOTI, MOTI 16,
9 DNT (appearing derivatively by one of its two members, R Squared), TPOV, and TPOV 16 filed
10 various motions to withdraw and stay. The Parties came before the Court for hearing on May 23,
11 2019. During the hearing, this Court orally granted the motions to withdraw and granted the motion
12 to stay, in part, for two weeks. On May 31, 2019, the Court entered a written order granting the
13 motions to withdraw. On June 4, 2019, the Court entered a written order granting, in part, the
14 motion to stay. Also, on June 4, 2019, new counsel for Seibel, LLTQ, LLTQ 16, FERG, FERG 16,
15 MOTI, MOTI 16, DNT (appearing derivatively by one of its two members, R Squared), TPOV, and
16 TPOV 16 filed a Notice of Appearance.

17 Since that time, the Parties have actively been engaged in discovery as outlined above.
18 Except for depositions of the Parties' respective experts, expert discovery is now closed. The Parties
19 have conducted multiple depositions to date, but additional discovery remains to be completed, and
20 additional depositions remain to be taken, including certain out-of-state witnesses.

21 Following the untimely passing of prior lead counsel for Seibel and the Development
22 Entities (Steven Bennett, Esq.), the Parties postponed meet and confers on various discovery issues,
23 hearings on pending motions, and depositions which were being discussed to proceed in January
24 2020 were placed on hold.

1 On February 12, 2020, this Court heard and granted Caesars' Motion for Leave to File First
2 Amended Complaint. The Order was entered on March 10, 2020, and the First Amended Complaint
3 was filed on March 11, 2020.¹

4 On March 2, 2020, the law firm of Bailey Kennedy appeared as counsel in this matter for
5 Seibel and the Development Entities. Shortly thereafter, on or around March 12, 2020, Governor
6 Sisolak issued a Declaration of Emergency in the state of Nevada following the outbreak of the
7 COVID-19 health emergency. Additional actions have been taken by other local governments and
8 the judiciary since then, including, without limitation, entry of Administrative Order 20-01 in *In*
9 *the Matter of the Eighth Judicial District Court's Response to Coronavirus Disease (COVID-19)*,
10 in which Chief Judge Bell suspended all jury trials for 30 days, effective March 16, 2020, due to
11 "the severity of the risk posed to the public by COVID-19," and entry of Administrative Order 20-
12 09 in *In the Administrative Matter of Court Operations of Civil Matters In Response to COVID-19*,
13 in which Chief Judge Bell stayed "[a]ll deadlines pursuant to NRCP 16.1 for initial disclosures,
14 disclosure of expert witnesses and testimony, [and] supplementation of discovery" for 30 days (i.e.,
15 until April 20, 2020), precluded parties from issuing subpoenas without prior approval from the
16 Discovery Commissioner for 30 days (i.e., until April 20, 2020), and encouraged district court
17 judges to liberally grant stay requests "at this time based on any COVID-19 related issues." This
18 Court, like most others, ceased holding in-person hearings (unless absolutely necessary) as a
19 precaution in response to COVID-19.

20 The COVID-19 health emergency restricted travel for counsel for the Parties and witnesses,
21 thereby hampering the Parties' ability to schedule and conduct depositions. For example, Caesars
22 noticed the depositions of Seibel and the NRCP 30(b)(6) designees of MOTI 16, FERG, and FERG
23 16 in April 2020; however, because Seibel and the current anticipated designee (Green) reside in

24
25 ¹ Seibel, the Development Entities, and Green filed a Motion to Dismiss Counts IV, V, VI,
26 VII, and VIII of Caesars' First Amended Complaint on April 8, 2020. The Court entered an Order
27 Denying, Without Prejudice, Seibel, the Development Entities, and Green's Motion to Dismiss
28 Counts IV, V, VI, VII, and VIII of Caesars' First Amended Complaint on May 29, 2020. The
Development Entities, Seibel, and Green filed an Answer to Caesars' First Amended Complaint and
Counterclaims on June 19, 2020. Caesars filed a Motion to Strike the Seibel-Affiliated Entities
Counterclaims and/or in the Alternative, Motion to Dismiss on July 15, 2020. The Court held a
hearing on the motion to strike on September 23, 2020 and a decision is pending.

New York, the depositions are being rescheduled to adhere to strict social distancing requirements and avoid unnecessary possible exposure to COVID-19 for the health and safety of everyone involved. Similarly, Caesars sought, but was initially unable to domesticate subpoenas sought to be served on third parties in New York and Florida due to limited access to the local courts in those jurisdictions. Additionally, working conditions have shifted for the Parties' counsel, as some counsel continue to work remotely.

Based on these and myriad other unanticipated events that occurred in light of the current COVID-19 health emergency, the Parties agreed to stay this matter, with a few exceptions, until May 22, 2020. (*See* Stipulation to Stay Discovery and Proposed Order to Extend Discovery Deadlines Following Stay (Seventh Request) 14:20-15:26.) The Parties agreed to recommence the then-existing discovery period following the stay. Seibel, the Development Entities, and Green subsequently moved to extend the discovery period and continue the trial date, which motion was granted in part by the Court pursuant to its June 29, 2020 Order. Since then, the Parties have served and responded to numerous written discovery requests, exchanged initial and rebuttal expert disclosures, engaged in various meet and confers, and have begun discussing scheduling depositions. Despite the Parties' good faith efforts, additional time is needed for discovery.

IV. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY.

The Parties propose an extension of discovery as follows:

- Thirty (30) additional days from the current close of discovery to propound any additional written discovery on parties and non-parties; and
- Sixty (60) days from the current close of discovery to take depositions and to conduct clean up discovery (*e.g.*, meet and confer practice, and supplemental discovery responses and/or disclosures, if any, stemming therefrom). Thus, following the initial 30-day extension, no Party may propound new written discovery or issue any new subpoenas.²

² A carve-out to the "no new discovery" after the first 30 days of the Parties' requested 60-day discovery extension depends on the Court's ruling on Caesars' pending motion to strike the Development Entities' amended counterclaims. If the Court denies the motion, the parties will be

The Parties propose the following schedule:

<u>Deadline</u>	<u>Current Deadline</u>	<u>New Deadline</u>
Add parties or amend pleadings	February 4, 2019	No Change
Initial Expert Disclosures	August 20, 2020	No Change
Rebuttal Expert Disclosures	September 21, 2020	No Change
Close of Discovery	October 19, 2020	November 18, 2020 (new discovery) December 18, 2020 (all discovery)
Dispositive Motions	November 18, 2020	February 18, 2021
Motions in Limine	January 4, 2021	April 23, 2021
Pre-Trial memorandum	February 18, 2021	May 24, 2021
Trial	February 22, 2021	July 12, 2021

V. CURRENT TRIAL DATE.

This case is set to be tried on a five-week stack beginning on February 22, 2020, at 9:30 a.m., pursuant to the Sixth Scheduling Order. The Parties request that the Court continue the trial to its 5-week stack beginning on July 12, 2021 or as soon thereafter as its calendar permits, to allow adequate time for the Parties to complete discovery and for the Court to hear dispositive motions. Given the proposed extensions and good cause appearing, the Parties respectfully request that this Court vacate the February 22, 2021 trial date in this matter and that the Court issue an amended scheduling order reflecting the deadlines and trial date proposed by the Parties.

permitted to serve additional written discovery related to the amended counterclaims through the close of all discovery (i.e. on or before December 18, 2020).

The Parties represent that this stipulation is sought in good faith, is not interposed for delay, and is not filed for an improper purpose.

Respectfully submitted by:

DATED October 9, 2020

PISANELLI BICE PLLC

By: /s/ Brittanie T. Watkins
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Debra L. Spinelli, Esq., Bar No. 9695
M. Magali Mercera, Esq., Bar No. 11742
Brittanie T. Watkins, Esq., Bar No. 13612
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*Attorneys for Desert Palace, Inc.;
Paris Las Vegas Operating Company, LLC;
PHWLTV, LLC; and Boardwalk Regency
Corporation d/b/a Caesars Atlantic City*

DATED October 7, 2020

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*Attorneys for The Original Homestead
Restaurant, Inc*

DATED October 7, 2020

BAILEY KENNEDY

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Dennis L. Kennedy, Esq., Bar No. 1462
Joshua P. Gilmore, Esq., Bar No. 11576
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LLTQ Enterprises 16, LLC,
TPOV Enterprises, LLC,
TPOV Enterprises 16, LLC,
FERG, LLC, FERG 16, LLC. Craig Green,
and R Squared Global Solutions, LLC,
Derivatively on Behalf of DNT Acquisition,
LLC*

DATED October 8, 2020

FENNEMORE CRAIG, P.C.

By: /s/ John Tennert
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Attorneys for Gordon Ramsay

DATED October 7, 2020

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Attorneys for Nominal Plaintiff GR Burgr LLC

ORDER


Based on the foregoing Stipulation of the Parties and good cause appearing therefor,

IT IS HEREBY ORDERED that the discovery deadlines in this matter are continued as follows:

<u>Deadline</u>	<u>Current Deadline</u>	<u>New Deadline</u>
Close of Discovery	October 19, 2020	November 18, 2020 (new discovery) December 18, 2020 (all discovery)
Dispositive Motions	November 18, 2020	February 18, 2021
Motions in Limine	January 4, 2021	April 23, 2021
Pre-Trial memorandum	February 18, 2021	May 24, 2021
Trial	February 22, 2021	July 12, 2021

IT IS SO ORDERED.

DATED this 15th day of October 2020.



THE HONORABLE TIMOTHY C. WILLIAMS
EIGHTH JUDICIAL DISTRICT COURT LB

AUTHORIZATIONS FOR ELECTRONIC SIGNATURES

Cinda C. Towne

From: Alan Lebensfeld <Alan.Lebensfeld@lsandspc.com>
Sent: Wednesday, October 7, 2020 5:48 AM
To: Brittanie T. Watkins; Paul Williams; Tennert, John; Aaron D. Lovaas
Cc: James Pisanelli; Debra Spinelli; Magali Mercera; Robert A. Ryan; Emily A. Buchwald; Joshua C. Stephanie Glantz; Beavers, Wade; mconnot@foxrothschild.com; ksutehall@foxrothschild.com; Russo; Cinda C. Towne
Subject: RE: [EXTERNAL]:Caesars/Seibel - 30-day extensions

CAUTION: External Email

You may on behalf of OHR

Cinda C. Towne

From: Aaron D. Lovaas <Aaron.Lovaas@ndlf.com>
Sent: Wednesday, October 7, 2020 8:26 AM
To: Brittanie T. Watkins; Paul Williams; Tennert, John; Alan Lebensfeld
Cc: James Pisanelli; Debra Spinelli; Magali Mercera; Robert A. Ryan; Emily A. Buchwald; Joshua Gilmore; Stephanie Glantz; Beavers, Wade; mconnot@foxrothschild.com; ksutehall@foxrothschild.com; Susan Russo; Cinda C. Towne
Subject: RE: [EXTERNAL]:Caesars/Seibel - 30-day extensions

CAUTION: External Email

You may apply my e-signature. Thank you.

Aaron D. Lovaas
702.777.7519 | Aaron.Lovaas@ndlf.com
[Newmeyer & Dillion LLP](#)

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From: Paul Williams <PWilliams@baileykennedy.com>
Sent: Wednesday, October 7, 2020 9:08 AM
To: Brittanie T. Watkins
Cc: James Pisanelli; Debra Spinelli; Magali Mercera; Robert A. Ryan; Emily A. Buchwald; Joshua Gilmore; Stephanie Glantz; Beavers, Wade; mconnot@foxrothschild.com; ksutehall@foxrothschild.com; Susan Russo; Cinda C. Towne; Tennert, John; Aaron D. Lovaas; Alan Lebensfeld
Subject: RE: [EXTERNAL]:Caesars/Seibel - 30-day extensions

CAUTION: External Email

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Thank you,

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(702) 789-4552 (Direct)
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PWilliams@BaileyKennedy.com

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From: Tennert, John <jtennert@fclaw.com>
Sent: Thursday, October 8, 2020 5:52 PM
To: Brittanie T. Watkins
Cc: James Pisanelli; Debra Spinelli; Magali Mercera; Robert A. Ryan; Emily A. Buchwald; Joshua Gilmore; Paul Williams; Stephanie Glantz; Beavers, Wade; mconnot@foxrothschild.com; ksutehall@foxrothschild.com; Susan Russo; Cinda C. Towne; Aaron D. Lovaas; Alan Lebensfeld
Subject: Re: [EXTERNAL]:Caesars/Seibel - 30-day extensions

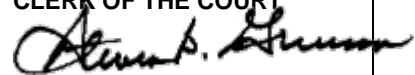
CAUTION: External Email

Hi Brittanie, you may apply my electronic signature.
Thanks,

Sent from my iPhone

John D. Tennert III, Director
T: 775.788.2212 | F: 775.788.2213
jtennert@fclaw.com

TAB 82



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PHWLTV, LLC; and Boardwalk Regency
Corporation d/b/a Caesars Atlantic City*

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

ROWEN SEIBEL, an individual and citizen of
New York, derivatively on behalf of Real Party
in Interest GR BURGR LLC, a Delaware
limited liability company,

Plaintiff,

v.

PHWLTV, LLC, a Nevada limited liability
company; GORDON RAMSAY, an individual;
DOES I through X; ROE CORPORATIONS I
through X,

Defendants,

and

GR BURGR LLC, a Delaware limited liability
company,

Nominal Plaintiff.

Case No.: A-17-751759-B

Dept. No.: XVI

Consolidated with A-17-760537-B

**NOTICE OF ENTRY OF STIPULATION
AND PROPOSED ORDER TO EXTEND
DISCOVERY DEADLINES (NINTH
REQUEST)**

AND ALL RELATED MATTERS

1 PLEASE TAKE NOTICE that a Stipulation and Proposed Order to Extend Discovery
2 Deadlines (Ninth Request) was entered in the above-captioned matter on October 15, 2020, a true
3 and correct copy of which is attached hereto.

4 DATED this 19th day of October 2020.

5 PISANELLI BICE PLLC

6 By: /s/ Brittanie T. Watkins
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8 Debra L. Spinelli, Esq., #9695
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19 Chicago, Illinois 60654

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21 *Paris Las Vegas Operating Company, LLC;*
22 *PHWLV, LLC; and Boardwalk Regency*
23 *Corporation d/b/a Caesars Atlantic City*
24
25
26
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC and that, on this 19th day of October 2020, I caused to be served via the Court's e-filing/e-service system a true and correct copy of the above and foregoing **NOTICE OF ENTRY OF STIPULATION AND PROPOSED ORDER TO EXTEND DISCOVERY DEADLINES (NINTH REQUEST)** to the following:

John R. Bailey, Esq.
Dennis L. Kennedy, Esq.
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FERG, LLC, FERG 16, LLC, and R Squared Global
Solutions, LLC, Derivatively on Behalf of
DNT Acquisition LLC,*

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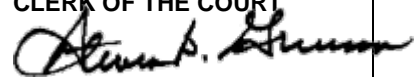
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An employee of PISANELLI BICE PLLC



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*Attorneys for Desert Palace, Inc.;
Paris Las Vegas Operating Company, LLC;
PHWLTV, LLC; and Boardwalk Regency
Corporation d/b/a Caesars Atlantic City*

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

ROWEN SEIBEL, an individual and citizen of
New York, derivatively on behalf of Real Party
in Interest GR BURGR LLC, a Delaware
limited liability company,

Plaintiff,

v.

PHWLTV, LLC, a Nevada limited liability
company; GORDON RAMSAY, an
individual; DOES I through X; ROE
CORPORATIONS I through X,

Defendants,

and

GR BURGR LLC, a Delaware limited liability
company,

Nominal Plaintiff.

Case No.: A-17-751759-B

Dept. No.: XVI

Consolidated with A-17-760537-B

**STIPULATION AND PROPOSED
ORDER TO EXTEND DISCOVERY
DEADLINES (NINTH REQUEST)**

AND ALL RELATED MATTERS

The Parties, PHWLTV, LLC ("Planet Hollywood"), Gordon Ramsay ("Ramsay"), Rowen Seibel ("Seibel"), Craig Green ("Green"), Desert Palace, Inc. ("Caesars Palace"), Paris Las Vegas Operating Company, LLC ("Paris"), Boardwalk Regency Corporation d/b/a Caesars Atlantic City ("CAC," and collectively with Caesars Palace, Paris, and Planet Hollywood, "Caesars"), LLTQ Enterprises, LLC ("LLTQ"), LLTQ Enterprises 16, LLC ("LLTQ 16"), FERG LLC ("FERG"), FERG 16, LLC ("FERG 16"), MOTI Partners, LLC ("MOTI"), MOTI Partners 16, LLC ("MOTI 16"), TPOV Enterprises, LLC ("TPOV"), TPOV 16 Enterprises, LLC ("TPOV 16"), Original Homestead Restaurant, Inc. ("OHR"), R Squared Global Solutions, LLC ("R Squared"), derivatively on behalf of DNT Acquisition, LLC ("DNT"), and GR Burgr, LLC ("GRB") (the "Parties"), by and through their undersigned counsel of record, hereby stipulate and request to modify the schedule set by this Court's Sixth Amended Order Setting Civil Jury Trial, Pre-Trial, Calendar Call, and Deadlines for Motions; Amended Discovery Scheduling Order dated June 18, 2020 (the "Sixth Scheduling Order"). This is the ninth request for an extension of discovery deadlines. The Parties stipulated to six extensions and this Court previously ordered two extensions following opposed motions. This Stipulation is being entered into in good faith and not for the purposes of delay, as good cause appears to extend discovery deadlines.

I. STATEMENT OF DISCOVERY COMPLETED TO DATE.

- Planet Hollywood served its initial disclosures in Case No. A-17-751759 on August 21, 2017.
- Planet Hollywood served privilege/redaction logs in Case No. A-17-751759 on September 5, 2017. Planet Hollywood supplemented its disclosures on January 9, 2018.
- Seibel served his initial disclosures in Case No. A-17-751759 on August 21, 2017.
- Ramsay also served his initial disclosures in Case No. A-17-751759 on August 21, 2017.
- Caesars served its initial disclosures in Case No. A-17-760537-B (together with Case No. A-17-751759, the "Consolidated Action") on November 6, 2018.
- Caesars served its initial privilege log in the Consolidated Action on November 16, 2018.

- J. Jeffrey Frederick (who is no longer a party to the Consolidated Action) served his initial disclosures in the Consolidated Action on November 16, 2018.
- OHR served its initial disclosures in the Consolidated Action on November 27, 2018.
- Seibel, MOTI, MOTI 16, LLTQ, LLTQ 16, TPOV, TPOV 16, FERG, FERG 16, and DNT served their initial disclosures in the Consolidated Action on November 29, 2018.
- Seibel, MOTI, MOTI 16, LLTQ, LLTQ 16, TPOV, TPOV 16, FERG, FERG 16, and DNT served their requests for the production of documents on Caesars Palace, Paris, Planet Hollywood, and CAC on January 24, 2019.
- Caesars served its First Set of Requests for Production of Documents to Frederick on January 30, 2019.
- Desert Palace served its First Set of Interrogatories to Frederick on January 30, 2019.
- Desert Palace served its First Set of Interrogatories to Seibel on February 5, 2019.
- Caesars served its First Set of Requests for Production of Documents to Seibel on February 5, 2019.
- On March 1, 2019, Frederick served his responses to Desert Palace's First Set of Interrogatories.
- On March 1, 2019, Frederick served his responses to Caesars' First Set of Requests for Production of Documents.
- On March 5, 2019, Caesars served its responses to Seibel's First Set of Requests for Production of Documents.
- On March 7, 2019, Caesars served its First Set of Requests for Production of Documents to MOTI.
- On March 7, 2019, Caesars served its First Set of Requests for Production of Documents to MOTI 16.
- On March 7, 2019, Desert Palace served its First Set of Interrogatories to LLTQ.
- On March 7, 2019, Desert Palace served its First Set of Interrogatories to LLTQ 16.
- On March 7, 2019, Desert Palace served its First Set of Interrogatories to MOTI.
- On March 7, 2019, Desert Palace served its First Set of Interrogatories to MOTI 16.

- On March 8, 2019, CAC served its First Set of Interrogatories to FERG.
- On March 8, 2019, CAC served its First Set of Interrogatories to FERG 16.
- On March 8, 2019, Caesars served its First Set of Requests for Production of Documents to FERG.
- On March 8, 2019, Caesars served its First Set of Requests for Production of Documents to FERG 16.
- On March 8, 2019, Caesars served its First Set of Requests for Production of Documents to LLTQ.
- On March 8, 2019, Caesars served its First Set of Requests for Production of Documents to LLTQ 16.
- On March 14, 2019, Paris served its First Set of Interrogatories to TPOV.
- On March 14, 2019, Paris served its First Set of Interrogatories to TPOV 16.
- On March 18, 2019, Ramsay served his First Supplement to NRCP 16.1 Disclosures.
- On March 21, 2019, Seibel served his responses to Caesars' First Set of Requests for Production of Documents.
- On March 21, 2019, Seibel served his responses to Desert Palace's First Set of Interrogatories.
- On April 12, 2019, Caesars served its First Supplemental Disclosures Pursuant to NRCP 16.1.
- On April 22, 2019, FERG served its responses to Caesars' First Set of Requests for Production of Documents.
- On April 23, 2019, FERG served its responses to Desert Palace's First Set of Interrogatories.
- On April 22, 2019, FERG 16 served its responses to Caesars' First Set of Requests for Production of Documents.
- On April 23, 2019, FERG 16 served its responses to Desert Palace's First Set of Interrogatories.

- On April 22, 2019, LLTQ 16 served its responses to Caesars' First Set of Requests for Production of Documents.
- On April 22, 2019, LLTQ 16 served its responses to Desert Palace's First Set of Interrogatories.
- On April 22, 2019, LLTQ served its responses to Desert Palace's amended First Set of Interrogatories.
- On April 22, 2019, LLTQ served its responses to Caesars' First Set of Requests for Production of Documents.
- On April 22, 2019, MOTI served its responses to Caesars' First Set of Requests for Production of Documents.
- On April 22, 2019, MOTI served its responses to Desert Palace's First Set of Interrogatories.
- On April 22, 2019, MOTI 16 served its responses to Caesars' First Set of Requests for Production of Documents.
- On April 22, 2019, MOTI 16 served its responses to Desert Palace's First Set of Interrogatories.
- On April 22, 2019, TPOV served its responses to Paris' First Set of Interrogatories.
- On April 22, 2019, TPOV 16 served its responses to Paris' First Set of Interrogatories.
- On April 30, 2019, Seibel, MOTI, MOTI 16, LLTQ, LLTQ 16, TPOV, TPOV 16, FERG, and FERG 16 (collectively, "Seibel and the Development Entities") served their First Supplemental Disclosure.
- On May 22, 2019, Caesars served its Second Supplemental Disclosures Pursuant to NRCP 16.1.
- On May 6, 2019, Seibel and the Development Entities served their Second Supplemental Disclosure.
- On May 22, 2019, Caesars served its First Supplemental Privilege Log.
- On June 6, 2019, Frederick served his First Set of Requests for Production of Documents to Desert Palace, Inc.

- 1 • On June 6, 2019, Frederick served his First Set of Requests for Production of Documents
- 2 to Paris Las Vegas Operating Company, LLC.
- 3 • On June 6, 2019, Frederick served his First Set of Requests for Production of Documents
- 4 to PHWLTV, LLC.
- 5 • On June 6, 2019, Frederick served his First Set of Requests for Production of Documents
- 6 to Boardwalk Regency Corporation, d/b/a/ Caesars Atlantic City.
- 7 • On July 30, 2019, Seibel and the Development Entities served a supplemental
- 8 production of documents.
- 9 • On August 12, 2019, Seibel and the Development Entities served Requests for
- 10 Admissions to Caesars.
- 11 • On August 12, 2019, Seibel and the Development Entities served Requests for
- 12 Admissions to Ramsay.
- 13 • On August 14, 2019, Seibel and the Development Entities served Requests for
- 14 Production of Documents to Ramsay.
- 15 • On August 14, 2019, Seibel and the Development Entities served Requests for
- 16 Production of Documents to Caesars.
- 17 • On August 27, 2019, Caesars served its Third Supplemental Disclosures Pursuant to
- 18 NRCP 16.1.
- 19 • On August 28 and 29, 2019, the Parties deposed Frederick
- 20 • On September 4 and 6, 2019, the Parties deposed Craig Green.
- 21 • On September 5, 2019, Caesars deposed the NRCP 30(b)(6) for TPOV.
- 22 • On September 6, 2019, Caesars deposed the NRCP 30(b)(6) for TPOV 16.
- 23 • On September 6, 2019, Seibel and the Development Entities served a supplemental
- 24 production of documents.
- 25 • On September 10, 2019, Seibel and the Development Entities served a supplemental
- 26 production of documents.
- 27 • On September 11, 2019, Caesars served its Responses to Seibel and the Development
- 28 Entities' Requests for Admissions.

- On September 11, 2019, Ramsay served his Responses to Seibel and the Development Entities' Requests for Admissions.
- On September 13, 2019, Caesars served its Fourth Supplemental Disclosures Pursuant to NRCP 16.1.
- On September 13, 2019, Caesars served its Responses to Seibel and the Development Entities' Requests for Production of Documents.
- On September 13, 2019, Ramsay served his Responses to Seibel and the Development Entities' Requests for Production of Documents.
- On September 16, 2019, Seibel and the Development Entities deposed Thomas Jenkin.
- On September 18, 2019, Seibel and the Development Entities served a supplemental production of documents.
- On September 19, 2019, Seibel and the Development Entities served a supplemental production of documents.
- On September 20, 2019, Seibel and the Development Entities deposed Mark Clayton, Esq.
- On September 24 and 25, 2019, Caesars began deposing Seibel.
- On September 26, 2019, Seibel and the Development Entities served a supplemental production of documents.
- On September 30, 2019, the Parties deposed Ramsay.
- On October 1, 2019, the Parties deposed the NRCP 30(b)(6) designee for Gordon Ramsay Holdings.
- On October 2, 2019, the LLTQ/FERG Defendants filed a Motion to Amend LLTQ/FERG Defendants' Answer, Affirmative Defenses and Counterclaims. That Motion was heard on November 6, 2019 and denied in its entirety.
- On October 3, 2019, Caesars served its Second Set of Requests for Production of Documents to Seibel.
- On October 7, 2019, Caesars served its Fifth Supplemental Disclosures Pursuant to NRCP 16.1.

- 1 • On October 11, 2019, Caesars served its Sixth Supplemental Disclosures Pursuant to
- 2 NRCP 16.1.
- 3 • On October 15, 2019, Seibel and the Development Entities deposed the NRCP 30(b)(6)
- 4 designee for Caesars' Capital Committee.
- 5 • On October 16, 2019, Seibel and the Development Entities deposed Richard Casto.
- 6 • On October 25, 2019, Caesars served its Third Set of Requests for Production of
- 7 Documents to Seibel.
- 8 • On October 29, 2019, the Parties deposed Marc Sherry.
- 9 • On October 30, 2019, the Parties deposed Greg Sherry.
- 10 • On October 30, 2019, Seibel and the Development Entities served their Second Request
- 11 for Production of Documents to Ramsay.
- 12 • On October 31, 2019, the Parties deposed Bryn Dorfman.
- 13 • On November 2, 2019, Seibel served his responses to Caesars' Second Set of Requests
- 14 for Production of Documents.
- 15 • On November 4, 2019, Caesars served its Seventh Supplemental Disclosures Pursuant
- 16 to NRCP 16.1.
- 17 • On November 5, 2019, Seibel and the Development Entities deposed the NRCP 30(b)(6)
- 18 designee for Caesars' Compliance Committee.
- 19 • On November 11, 2019, Seibel and the Development Entities served a supplemental
- 20 production of documents.
- 21 • On November 12, 2019, Caesars deposed the NRCP 30(b)(6) designee of LLTQ
- 22 Enterprises, LLC.
- 23 • On November 13, 2019, Caesars deposed the NRCP 30(b)(6) designee of LLTQ
- 24 Enterprises 16, LLC.
- 25 • On November 14, 2019, Caesars deposed the NRCP 30(b)(6) designee of MOTI
- 26 Partners, LLC.
- 27 • On November 14, 2019, Seibel and the Development Entities served a supplemental
- 28 production of documents.

- 1 • On November 22, 2019, Seibel and the Development Entities served their initial
- 2 privilege log.
- 3 • On November 22, 2019, Caesars served its Eighth Supplemental Disclosures Pursuant
- 4 to NRCP 16.1.
- 5 • On November 22, 2019, Caesars served its Second Supplemental Privilege Log.
- 6 • On November 25, 2019, Seibel served his responses to Caesars' Third Set of Requests
- 7 for Production of Documents.
- 8 • On December 2, 2019, Seibel and the Development Entities served a supplemental
- 9 production of documents.
- 10 • On December 3, 2019, Seibel and the Development Entities served a supplemental
- 11 production of documents.
- 12 • On December 5, 2019, Seibel and the Development Entities deposed Gary Selesner.
- 13 • On December 6, 2019, Caesars served its Third Supplemental Privilege Log.
- 14 • On December 9, 2019, Ramsay served his responses to Seibel and the Development
- 15 Entities' Second Request for Production of Documents.
- 16 • On December 11, 2019, Caesars filed a Motion for Leave to File First Amended
- 17 Complaint ("Caesars' Motion to Amend"). Caesars' Motion to Amend came before the
- 18 Court for hearing on February 12, 2020 and the Court granted the same.
- 19 • On December 12, 2019, Seibel and the Development Entities served a supplemental
- 20 production of documents.
- 21 • On December 20, 2019, Ramsay served a supplemental production of documents.
- 22 • On January 2, 2020, Ramsay served a supplemental production of documents.
- 23 • On January 31, 2020, Ramsay served his First Set of Requests for Production of
- 24 Documents to Seibel.
- 25 • On February 21, 2020, Seibel and the Development Entities served a supplemental
- 26 production of documents.
- 27 • On March 9, 2020, Caesars served a Notice of Out-of-State Subpoena Duces Tecum to
- 28 Innis & Gunn USA, Inc.

- On March 10, 2020, Caesars served a Notice of Out-of-State Subpoena Duces Tecum to Kostelanetz & Fink, LLC.
- On March 10, 2020, Caesars served its Ninth Supplemental Disclosures Pursuant to NRCP 16.1.
- On March 12, 2020, Caesars served a Notice of Out-of-State Subpoena Duces Tecum to Leonard A. Sands, Esq.
- On March 23, 2020, Seibel served his responses to Ramsay's First Set of Requests for Production of Documents.
- On April 10, 2020, Seibel, the Development Entities, and Green served a Supplemental Disclosure of Documents and Witnesses.
- On May 15, 2020, Seibel, the Development Entities, and Green served a Supplemental Disclosure of Documents and Witnesses.
- On May 26, 2020, Caesars served a First Amended Notice of Out-of-State Subpoena Duces Tecum to Innis & Gunn USA, Inc.
- On May 26, 2020, Caesars served a First Amended Notice of Out-of-State Subpoena Duces Tecum to Innis & Gunn USA, Inc.
- On May 26, 2020, Caesars served a First Amended Notice of Out-of-State Subpoena Duces Tecum to Leonard A. Sands, Esq.
- On May 26, 2020, Caesars served a First Amended Notice of Out-of-State Subpoena Duces Tecum to Kostelanetz & Fink.
- On May 27, 2020, Seibel served his First Supplemental Responses to Caesars' Second Set of Requests for Production of Documents.
- On May 29, 2020, Seibel, the Development Entities, and Green served a Supplemental Disclosure of Documents and Witnesses.
- On June 3, 2020, Caesars served Notice of Out-of-State Subpoena Duces Tecum to BR 23 Venture, LLC.
- On June 3, 2020, Caesars served Notice of Out-of-State Subpoena Duces Tecum to Future Star Hospitality, LLC.

- On June 19, 2020, Seibel, the Development Entities, and Green served a Supplemental Disclosure of Documents and Witnesses.
- On June 29, 2020, the Court entered the Parties' Stipulation and Order Permitting Issuance of Subpoenas.
- On June 30, 2020, Desert Palace served its First Set of Interrogatories to Green.
- On June 30, 2020, Caesars served its First Set of Requests for Production of Documents to Green.
- On June 30, 2020, Caesars served a Second Amended Notice of Out-of-State Subpoena Duces Tecum to Innis & Gunn USA, Inc.
- On June 30, 2020, Caesars served a Second Amended Notice of Out-of-State Subpoena Duces Tecum to Leonard A. Sands, Esq.
- On June 30, 2020, Caesars served a Second Amended Notice of Out-of-State Subpoena Duces Tecum to Kostelanetz & Fink.
- On June 30, 2020, Caesars served an Amended Notice of Out-of-State Subpoena Duces Tecum to BR 23 Venture, LLC.
- On June 30, 2020, Caesars served an Amended Notice of Out-of-State Subpoena Duces Tecum to Future Star Hospitality, LLC.
- On June 30, 2020, FERG served its First Set of Interrogatories to CAC.
- On June 30, 2020, FERG 16 served its First Set of Interrogatories to CAC.
- On June 30, 2020, Green served his First Set of Interrogatories to Desert Palace.
- On June 30, 2020, Green served his First Set of Interrogatories to Planet Hollywood.
- On June 30, 2020, LLTQ served its First Set of Interrogatories to Desert Palace.
- On June 30, 2020, LLTQ 16 served its First Set of Interrogatories to Desert Palace.
- On June 30, 2020, MOTI served its First Set of Interrogatories to Desert Palace.
- On June 30, 2020, MOTI 16 served its First Set of Interrogatories to Desert Palace.
- On June 30, 2020, R Squared served its First Set of Interrogatories to Desert Palace.
- On June 30, 2020, Seibel served his First Set of Interrogatories to Desert Palace.
- On June 30, 2020, Seibel served his First Set of Interrogatories to Planet Hollywood.

- On June 30, 2020, TPOV served its First Set of Interrogatories to Paris.
- On June 30, 2020, TPOV 16 served its First Set of Interrogatories to Paris.
- On June 30, 2020, Seibel, the Development Entities, and Green served their Third Set of Requests for Production of Documents to Caesars.
- On July 20, 2020, Seibel, the Development Entities, and Green served a Supplemental Disclosure of Documents and Witnesses.
- On July 22, 2020, Seibel, the Development Entities, and Green served a Supplemental Disclosure of Documents and Witnesses.
- On July 24, 2020, GRB served its Initial Disclosures Pursuant to NRCP 16.1.
- On July 24, 2020, FERG served its First Set of Admissions to CAC.
- On July 24, 2020, FERG 16 served its Request for Admissions to CAC.
- On July 24, 2020, Green served his Request for Admission to CAC
- On July 24, 2020, Green served his Request for Admission to Desert Palace.
- On July 24, 2020, Green served his Request for Admission to Paris.
- On July 24, 2020, Green served his Request for Admission to Planet Hollywood.
- On July 24, 2020, LLTQ 16 served its Request for Admission to Desert Palace.
- On July 24, 2020, LLTQ served its Request for Admission to Desert Palace.
- On July 24, 2020, MOTI 16 served its Request for Admission to Desert Place.
- On July 24, 2020, MOTI served its Request for Admission to Desert Palace.
- On July 24, 2020, R Squared served its Request for Admission to Desert Palace.
- On July 24, 2020, Seibel served his Request for Admissions to CAC.
- On July 24, 2020, Seibel served his Request for Admissions to Desert Palace.
- On July 24, 2020, Seibel served his Request for Admissions to Paris.
- On July 24, 2020, Seibel served his Request for Admissions to Planet Hollywood.
- On July 24, 2020, TPOV served its Request for Admissions to Paris.
- On July 24, 2020, TPOV 16 served its Request for Admissions to Paris.
- On July 28, 2020, Wexford Capital LP responded to Caesars' Subpoena Duces Tecum.

- On July 29, 2020, Seibel, the Development Entities, and Green served a Supplemental Disclosure of Documents and Witnesses.
- On August 3, 2020, Innis & Gunn served responses to Caesars' Subpoena Duces Tecum.
- On August 4, 2020, Caesars served a Third Amended Notice of Out-of-State Subpoena Duces Tecum to Kostelanetz & Fink.
- On August 4, 2020, Caesars served a Second Amended Notice of Out-of-State Subpoena Duces Tecum to BR 23 Venture, LLC.
- On August 4, 2020, Caesars served a Second Amended Notice of Out-of-State Subpoena Duces Tecum to Future Star Hospitality, LLC.
- On August 7, 2020, Green served his responses to Desert Palace's First Set of Interrogatories.
- On August 7, 2020, Green served his responses to Caesars' First Set of Requests for Production.
- On August 11, 2020, Leonard A. Sands, Esq. responded to Caesars' Subpoena Duces Tecum.
- On August 17, 2020, Caesars served a Notice of Subpoena Duces Tecum to Sysco Las Vegas, Inc.
- On August 19, 2020, Caesars served its Tenth Supplemental Disclosures Pursuant to NRCP 16.1.
- On August 20, 2020, Seibel, the Development Entities, and Green served their Initial Expert Disclosures.
- On August 20, 2020, Caesars served its Expert Witness Disclosures Pursuant to NRCP 16.1(a)(2).
- On August 21, 2020, Caesars served its responses to Seibel, the Development Entities, and Green's Third Set of Requests for Production.
- On August 21, 2020, CAC served its responses to FERG's First Set of Interrogatories.
- On August 21, 2020, CAC served its responses to FERG 16's First Set of Interrogatories.

- On August 21, 2020, Desert Palace served its responses to R Squared's First Set of Interrogatories.
- On August 21, 2020, Desert Palace served its responses to LLTQ's First Set of Interrogatories.
- On August 21, 2020, Desert Palace served its responses to Seibel's First Interrogatories.
- On August 21, 2020, Paris served its responses to TPOV's First Set of Interrogatories.
- On August 21, 2020, Desert Palace served its responses to LLTQ 16's First Set of Interrogatories.
- On August 21, 2020, Desert Palace served its responses to Green's First Set of Interrogatories.
- On August 21, 2020, Paris served its responses to TPOV 16's First Set of Interrogatories.
- On August 21, 2020, Desert Palace served its responses to MOTI's First Set of Interrogatories.
- On August 21, 2020, PHWLV served its responses to Green's First Set of Interrogatories.
- On August 21, 2020, Desert Palace served its responses to MOTI 16's First Set of Interrogatories.
- On August 21, 2020, Planet Hollywood served its responses to Seibel's First Set of Interrogatories.
- On August 21, 2020, Caesars served its responses to Seibel, the Development Entities, and Green's Third Set of Requests for Production.
- On August 24, 2020, Paris served its responses to TPOV 16's Request for Admissions.
- On August 24, 2020, CAC served its responses to FERG 16's Request for Admissions.
- On August 24, 2020, Desert Palace served its responses to MOTI 16's Request for Admissions.
- On August 24, 2020, Desert Palace served its responses to LLTQ 16's Request for Admissions.

- 1 • On August 24, 2020, Desert Palace served its responses to Seibel's Request for
- 2 Admissions.
- 3 • On August 24, 2020, CAC served its responses to Seibel's Request for Admissions.
- 4 • On August 24, 2020, Desert Palace served its responses to Green's Request for
- 5 Admissions.
- 6 • On August 24, 2020, CAC served its responses to Green's Request for Admissions.
- 7 • On August 24, 2020, Paris served its responses to Seibel's Request for Admissions.
- 8 • On August 24, 2020, Planet Hollywood served its responses to Seibel's Request for
- 9 Admissions.
- 10 • On August 24, 2020, Desert Palace served its responses to R Squared's Request for
- 11 Admissions.
- 12 • On August 24, 2020, Paris served its responses to TPOV's Request for Admissions.
- 13 • On August 24, 2020, Desert Palace served its responses to MOTI's Request for
- 14 Admissions.
- 15 • On August 24, 2020, Desert Palace served its responses to LLTQ's Request for
- 16 Admissions.
- 17 • On August 24, 2020, CAC served its responses to FERG's First Set of Admissions.
- 18 • On August 24, 2020, Planet Hollywood served its responses to Green's Request for
- 19 Admissions.
- 20 • On August 24, 2020, Paris served its responses to Green's Request for Admissions.
- 21 • On August 24, 2020, Planet Hollywood served its responses to Seibel's Requests for
- 22 Admissions.
- 23 • On August 24, 2020, Planet Hollywood served its responses to Green's Requests for
- 24 Admissions.
- 25 • On August 24, 2020, Paris served its responses to TPOV's Request for Admissions.
- 26 • On August 24, 2020, Paris served its responses to TPOV 16's Request for Admissions.
- 27 • On August 24, 2020, Paris served its responses to Seibel's Request for Admissions.
- 28 • On August 24, 2020, Paris served its responses to Green's Request for Admissions.

- 1 • On August 24, 2020, Desert Palace served its responses to Seibel's Request for
- 2 Admissions.
- 3 • On August 24, 2020, Desert Palace served its responses to R Squared's Request for
- 4 Admissions.
- 5 • On August 24, 2020, Desert Palace served its responses to Green's Request for
- 6 Admissions.
- 7 • On August 24, 2020, Desert Palace served its responses to MOTI's Request for
- 8 Admissions.
- 9 • On August 24, 2020, Desert Palace served its responses to MOTI 16's Request for
- 10 Admissions.
- 11 • On August 24, 2020, CAC served its responses to Seibel's Request for Admissions.
- 12 • On August 24, 2020, Desert Palace served its responses to LLTQ's Request for
- 13 Admissions.
- 14 • On August 24, 2020, CAC served its responses to FERG 16's Request for Admissions.
- 15 • On August 24, 2020, CAC served its responses to FERG's First Set of Admissions.
- 16 • On August 24, 2020, Desert Palace served its responses to LLTQ 16's Request for
- 17 Admissions.
- 18 • On August 24, 2020, CAC served its responses to Green's Request for Admissions.
- 19 • On August 26, 2020, Seibel served his First Supplemental Responses to Ramsay's First
- 20 Request for Production of Documents.
- 21 • On August 28, 2020, Seibel, the Development Entities, and Green served a
- 22 Supplemental Disclosure of Documents and Witnesses.
- 23 • On September 2, 2020, Sysco Las Vegas, Inc. responded to Caesars' Subpoena Duces
- 24 Tecum.
- 25 • On September 4, 2020, Seibel, the Development Entities, and Green served a
- 26 Supplemental Disclosure of Documents and Witnesses.
- 27 • On September 9, 2020, Caesars served its Supplemental Responses to Defendants' First
- 28 Request for Production of Documents.

- On September 11, 2020, Seibel, the Development Entities, and Green served their Fourth Set of Requests for Production of Documents.
- On September 14, 2020, Seibel, the Development Entities, and Green served a redaction log.
- On September 14, 2020, Caesars served Notice of Videotaped Deposition of the Seibel Family 2016 Trust Pursuant to NRCP 20(b)(6).
- On September 16, 2020, Seibel served his First Set of Interrogatories to Ramsay.
- On September 16, 2020, Seibel, the Development Entities, and Green served their Third Set of Requests for Production of Documents to Ramsay.
- On September 16, 2020, Seibel served his First Set of Interrogatories to CAC.
- On September 16, 2020, Seibel served his First Set of Interrogatories to Paris.
- On September 16, 2020, Seibel served his Second Set of Interrogatories to Planet Hollywood.
- On September 18, 2020, Desert Palace served its First Set of Requests for Admission to OHR.
- On September 18, 2020, Desert Palace served its Second Set of Interrogatories to Seibel.
- On September 18, 2020, Caesars served its Second Set of Requests for Documents to Green.
- On September 18, 2020, Caesars served its Fourth Set of Requests for Production of Documents to Seibel.
- On September 18, 2020, Ramsay served his First Set of Requests for Admission to GRB.
- On September 18, 2020, Ramsay served his First Set of Interrogatories to GRB.
- On September 18, 2020, Ramsay served his First Set of Interrogatories to Seibel.
- On September 18, 2020, Ramsay served his First Request for Production of Documents to GRB.
- On September 18, 2020, Ramsay served his Second Requests for Production of Documents to Seibel.

- On September 18, 2020, Seibel, the Development Entities, and Green served a Supplemental Disclosure of Documents and Witnesses.
- On September 21, 2020, Seibel, the Development Entities, and Green served their Rebuttal Expert Disclosures.
- On September 21, 2020, Caesars served its Rebuttal Expert Witness Disclosures Pursuant to NRCP 16.1(a)(2).
- On September 21, 2020, BR 23 Venture, LLC responded to Caesars' Subpoena Duces Tecum.
- On September 21, 2020, Future Star Hospitality, LLC responded to Caesars' Subpoena Duces Tecum.

The Parties agreed that discovery in this matter will proceed simultaneously with discovery conducted in an action pending before the United States District Court, District of Nevada, styled as *TPOV Enterprises 16, LLC v. Paris Las Vegas Operating Company, LLC*, Case No. 2:17-cv-00346-JCM-VCF. A stipulation seeking to extend the remaining deadlines in that action in the same timeframe proposed below has been submitted.

II. DISCOVERY REMAINING TO BE COMPLETED.

With certain agreed upon limitations discussed below, the Parties anticipate completing the production of additional documents, serving additional/amended privilege logs, propounding and responding to additional written discovery, conducting additional depositions (including expert depositions), and conducting third-party document and deposition discovery.

III. REASONS WHY THE REMAINING DISCOVERY WAS NOT COMPLETED.

At the outset, Case No. A-17-751759 involved extensive motion practice. On February 28, 2017, Seibel filed a motion for preliminary injunction. Ramsay and Planet Hollywood filed their oppositions on March 17, 2017. The Court entered an order denying Seibel's motion for preliminary injunction on April 12, 2017. Thereafter, Planet Hollywood filed a motion to dismiss on April 7, 2017, to which Seibel filed an opposition on April 24, 2017. This Court entered an order granting in part, and denying in part, Planet Hollywood's motion to dismiss on June 16, 2017. Subsequently, Seibel, on behalf of GRB, filed a motion for partial summary judgment on September 18, 2017,

1 Planet Hollywood filed an opposition on October 5, 2017, and Ramsay filed his opposition on
2 October 6, 2017. On or about October 5, 2017, an order was entered in the Court of Chancery of
3 the State of Delaware dissolving GRB and appointing a liquidating trustee. As a result of the
4 Delaware Court's order, on November 7, 2017, at the hearing on the motion for partial summary
5 judgment, this Court continued the matter in order to give the trustee the opportunity to review and
6 take a position on the derivative claims brought by Seibel.

7 On or about March 30, 2020, the trustee appointed to dissolve GRB filed a Report and
8 Proposed Liquidation Plan for GRB in the Court of Chancery of the State of Delaware (the
9 "Report"). A redacted, public version of the Report was filed on April 6, 2020, addressing, among
10 other things, the derivative claims brought by Seibel in Case No. A-17-751759, the claims brought
11 by Caesars against GRB in Case No. A-17-760537, and the assignment of claims by GRB to Seibel
12 and Ramsay. Ramsay's entity, GR US Licensing, LP, filed Exceptions to the Receiver's Report and
13 Proposed Liquidated Plan, dated May 22, 2020. Seibel filed a Reply Brief in Further Support of
14 Limited Exceptions to the Receiver's Report and Proposed Liquidation Plan for GR Burgr, LLC,
15 dated June 19, 2020. A hearing on the Report was held before the Court of Chancery of the State
16 of Delaware on June 26, 2020. The Delaware court did not resolve the matter and allowed for
17 additional briefing. The Delaware proceeding remains pending.

18 In addition to the motion practice and trustee issues, the Parties stipulated to consolidate this
19 action with Case No. A-17-760537-B. On February 9, 2018, this Court entered a Stipulation and
20 Order to Consolidate. Seibel, LLTQ, LLTQ 16, FERG, FERG 16, MOTI, MOTI 16, DNT, TPOV,
21 and TPOV 16 filed Motions to Dismiss and/or Amended Motions to Dismiss on February 22, 2018.
22 Caesars filed a Consolidated Opposition to all of the Motions on March 12, 2018. These motions
23 were denied on June 1, 2018. On June 18, 2018, Seibel, LLTQ, LLTQ 16, FERG, FERG 16, MOTI,
24 MOTI 16, DNT, TPOV, and TPOV 16 filed a petition for writ of mandamus or prohibition and a
25 motion to stay the proceedings pending a decision on their petition for a writ of mandamus or
26 prohibition. Caesars filed its Opposition to the stay motion on July 9, 2018. The motion to stay was
27 denied on August 22, 2018. On September 5, 2018, Seibel, LLTQ, LLTQ 16, FERG, FERG 16,
28 MOTI, MOTI 16, DNT, TPOV, and TPOV 16 filed a Motion to Stay All District Court Proceedings

1 in the Supreme Court of Nevada. On September 14, 2018, Caesars filed its Response to the Motion
2 to Stay All District Court Proceedings in the Supreme Court of Nevada. On November 9, 2018, the
3 Supreme Court of Nevada issued an Order Denying the Motion to Stay. On June 7, 2019, the
4 Supreme Court of Nevada issued an Order Denying Petition for Writ of Mandamus or Prohibition.

5 Meanwhile, on or about August 6, 2018, OHR moved to intervene. On August 9, 2018, the
6 Parties agreed to attempt to resolve this action, as well as a number of related actions through
7 mediation. The mediation was held on October 12, 2018. This action was not resolved.

8 In May 2019, attorneys for Seibel, LLTQ, LLTQ 16, FERG, FERG 16, MOTI, MOTI 16,
9 DNT (appearing derivatively by one of its two members, R Squared), TPOV, and TPOV 16 filed
10 various motions to withdraw and stay. The Parties came before the Court for hearing on May 23,
11 2019. During the hearing, this Court orally granted the motions to withdraw and granted the motion
12 to stay, in part, for two weeks. On May 31, 2019, the Court entered a written order granting the
13 motions to withdraw. On June 4, 2019, the Court entered a written order granting, in part, the
14 motion to stay. Also, on June 4, 2019, new counsel for Seibel, LLTQ, LLTQ 16, FERG, FERG 16,
15 MOTI, MOTI 16, DNT (appearing derivatively by one of its two members, R Squared), TPOV, and
16 TPOV 16 filed a Notice of Appearance.

17 Since that time, the Parties have actively been engaged in discovery as outlined above.
18 Except for depositions of the Parties' respective experts, expert discovery is now closed. The Parties
19 have conducted multiple depositions to date, but additional discovery remains to be completed, and
20 additional depositions remain to be taken, including certain out-of-state witnesses.

21 Following the untimely passing of prior lead counsel for Seibel and the Development
22 Entities (Steven Bennett, Esq.), the Parties postponed meet and confers on various discovery issues,
23 hearings on pending motions, and depositions which were being discussed to proceed in January
24 2020 were placed on hold.

1 On February 12, 2020, this Court heard and granted Caesars' Motion for Leave to File First
2 Amended Complaint. The Order was entered on March 10, 2020, and the First Amended Complaint
3 was filed on March 11, 2020.¹

4 On March 2, 2020, the law firm of Bailey Kennedy appeared as counsel in this matter for
5 Seibel and the Development Entities. Shortly thereafter, on or around March 12, 2020, Governor
6 Sisolak issued a Declaration of Emergency in the state of Nevada following the outbreak of the
7 COVID-19 health emergency. Additional actions have been taken by other local governments and
8 the judiciary since then, including, without limitation, entry of Administrative Order 20-01 in *In*
9 *the Matter of the Eighth Judicial District Court's Response to Coronavirus Disease (COVID-19)*,
10 in which Chief Judge Bell suspended all jury trials for 30 days, effective March 16, 2020, due to
11 "the severity of the risk posed to the public by COVID-19," and entry of Administrative Order 20-
12 09 in *In the Administrative Matter of Court Operations of Civil Matters In Response to COVID-19*,
13 in which Chief Judge Bell stayed "[a]ll deadlines pursuant to NRCP 16.1 for initial disclosures,
14 disclosure of expert witnesses and testimony, [and] supplementation of discovery" for 30 days (i.e.,
15 until April 20, 2020), precluded parties from issuing subpoenas without prior approval from the
16 Discovery Commissioner for 30 days (i.e., until April 20, 2020), and encouraged district court
17 judges to liberally grant stay requests "at this time based on any COVID-19 related issues." This
18 Court, like most others, ceased holding in-person hearings (unless absolutely necessary) as a
19 precaution in response to COVID-19.

20 The COVID-19 health emergency restricted travel for counsel for the Parties and witnesses,
21 thereby hampering the Parties' ability to schedule and conduct depositions. For example, Caesars
22 noticed the depositions of Seibel and the NRCP 30(b)(6) designees of MOTI 16, FERG, and FERG
23 16 in April 2020; however, because Seibel and the current anticipated designee (Green) reside in

24
25 ¹ Seibel, the Development Entities, and Green filed a Motion to Dismiss Counts IV, V, VI,
26 VII, and VIII of Caesars' First Amended Complaint on April 8, 2020. The Court entered an Order
27 Denying, Without Prejudice, Seibel, the Development Entities, and Green's Motion to Dismiss
28 Counts IV, V, VI, VII, and VIII of Caesars' First Amended Complaint on May 29, 2020. The
Development Entities, Seibel, and Green filed an Answer to Caesars' First Amended Complaint and
Counterclaims on June 19, 2020. Caesars filed a Motion to Strike the Seibel-Affiliated Entities
Counterclaims and/or in the Alternative, Motion to Dismiss on July 15, 2020. The Court held a
hearing on the motion to strike on September 23, 2020 and a decision is pending.

New York, the depositions are being rescheduled to adhere to strict social distancing requirements and avoid unnecessary possible exposure to COVID-19 for the health and safety of everyone involved. Similarly, Caesars sought, but was initially unable to domesticate subpoenas sought to be served on third parties in New York and Florida due to limited access to the local courts in those jurisdictions. Additionally, working conditions have shifted for the Parties' counsel, as some counsel continue to work remotely.

Based on these and myriad other unanticipated events that occurred in light of the current COVID-19 health emergency, the Parties agreed to stay this matter, with a few exceptions, until May 22, 2020. (*See* Stipulation to Stay Discovery and Proposed Order to Extend Discovery Deadlines Following Stay (Seventh Request) 14:20-15:26.) The Parties agreed to recommence the then-existing discovery period following the stay. Seibel, the Development Entities, and Green subsequently moved to extend the discovery period and continue the trial date, which motion was granted in part by the Court pursuant to its June 29, 2020 Order. Since then, the Parties have served and responded to numerous written discovery requests, exchanged initial and rebuttal expert disclosures, engaged in various meet and confers, and have begun discussing scheduling depositions. Despite the Parties' good faith efforts, additional time is needed for discovery.

IV. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY.

The Parties propose an extension of discovery as follows:

- Thirty (30) additional days from the current close of discovery to propound any additional written discovery on parties and non-parties; and
- Sixty (60) days from the current close of discovery to take depositions and to conduct clean up discovery (*e.g.*, meet and confer practice, and supplemental discovery responses and/or disclosures, if any, stemming therefrom). Thus, following the initial 30-day extension, no Party may propound new written discovery or issue any new subpoenas.²

² A carve-out to the "no new discovery" after the first 30 days of the Parties' requested 60-day discovery extension depends on the Court's ruling on Caesars' pending motion to strike the Development Entities' amended counterclaims. If the Court denies the motion, the parties will be

The Parties propose the following schedule:

<u>Deadline</u>	<u>Current Deadline</u>	<u>New Deadline</u>
Add parties or amend pleadings	February 4, 2019	No Change
Initial Expert Disclosures	August 20, 2020	No Change
Rebuttal Expert Disclosures	September 21, 2020	No Change
Close of Discovery	October 19, 2020	November 18, 2020 (new discovery) December 18, 2020 (all discovery)
Dispositive Motions	November 18, 2020	February 18, 2021
Motions in Limine	January 4, 2021	April 23, 2021
Pre-Trial memorandum	February 18, 2021	May 24, 2021
Trial	February 22, 2021	July 12, 2021

V. CURRENT TRIAL DATE.

This case is set to be tried on a five-week stack beginning on February 22, 2020, at 9:30 a.m., pursuant to the Sixth Scheduling Order. The Parties request that the Court continue the trial to its 5-week stack beginning on July 12, 2021 or as soon thereafter as its calendar permits, to allow adequate time for the Parties to complete discovery and for the Court to hear dispositive motions. Given the proposed extensions and good cause appearing, the Parties respectfully request that this Court vacate the February 22, 2021 trial date in this matter and that the Court issue an amended scheduling order reflecting the deadlines and trial date proposed by the Parties.

permitted to serve additional written discovery related to the amended counterclaims through the close of all discovery (i.e. on or before December 18, 2020).

The Parties represent that this stipulation is sought in good faith, is not interposed for delay, and is not filed for an improper purpose.

Respectfully submitted by:

DATED October 9, 2020

PISANELLI BICE PLLC

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*Attorneys for Desert Palace, Inc.;
Paris Las Vegas Operating Company, LLC;
PHWLTV, LLC; and Boardwalk Regency
Corporation d/b/a Caesars Atlantic City*

DATED October 7, 2020

LEBENSFELD SHARON & SCHWARTZ P.C.

By: /s/ Alan M. Lebensfeld
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(admitted *pro hac vice*)
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Kevin M. Sutehall, Esq.
FOX ROTHSCHILD LLP
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*Attorneys for The Original Homestead
Restaurant, Inc*

DATED October 7, 2020

BAILEY KENNEDY

By: /s/ Paul C. Williams
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Dennis L. Kennedy, Esq., Bar No. 1462
Joshua P. Gilmore, Esq., Bar No. 11576
Paul C. Williams, Esq., Bar No. 12524
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*Attorneys for Rowen Seibel,
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LLTQ Enterprises, LLC,
LLTQ Enterprises 16, LLC,
TPOV Enterprises, LLC,
TPOV Enterprises 16, LLC,
FERG, LLC, FERG 16, LLC. Craig Green,
and R Squared Global Solutions, LLC,
Derivatively on Behalf of DNT Acquisition,
LLC*

DATED October 8, 2020

FENNEMORE CRAIG, P.C.

By: /s/ John Tennert
John Tennert, Esq. (SBN 11728)
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Reno, NV 89501

Attorneys for Gordon Ramsay

DATED October 7, 2020

NEWMAYER & DILLION LLP

By: /s/ Aaron D. Lovaas
Aaron D. Lovaas, Esq.
3800 Howard Hughes Pkwy., Suite 700
Las Vegas, NV 89169
aaron.lovaas@ndlf.com

Attorneys for Nominal Plaintiff GR Burgr LLC

ORDER


Based on the foregoing Stipulation of the Parties and good cause appearing therefor,

IT IS HEREBY ORDERED that the discovery deadlines in this matter are continued as follows:

<u>Deadline</u>	<u>Current Deadline</u>	<u>New Deadline</u>
Close of Discovery	October 19, 2020	November 18, 2020 (new discovery) December 18, 2020 (all discovery)
Dispositive Motions	November 18, 2020	February 18, 2021
Motions in Limine	January 4, 2021	April 23, 2021
Pre-Trial memorandum	February 18, 2021	May 24, 2021
Trial	February 22, 2021	July 12, 2021

IT IS SO ORDERED.

DATED this 15th day of October 2020.



THE HONORABLE TIMOTHY C. WILLIAMS
EIGHTH JUDICIAL DISTRICT COURT LB

AUTHORIZATIONS FOR ELECTRONIC SIGNATURES

Cinda C. Towne

From: Alan Lebensfeld <Alan.Lebensfeld@lsandspc.com>
Sent: Wednesday, October 7, 2020 5:48 AM
To: Brittanie T. Watkins; Paul Williams; Tennert, John; Aaron D. Lovaas
Cc: James Pisanelli; Debra Spinelli; Magali Mercera; Robert A. Ryan; Emily A. Buchwald; Joshua C. Stephanie Glantz; Beavers, Wade; mconnot@foxrothschild.com; ksutehall@foxrothschild.com; Russo; Cinda C. Towne
Subject: RE: [EXTERNAL]:Caesars/Seibel - 30-day extensions

CAUTION: External Email

You may on behalf of OHR

Cinda C. Towne

From: Aaron D. Lovaas <Aaron.Lovaas@ndlf.com>
Sent: Wednesday, October 7, 2020 8:26 AM
To: Brittanie T. Watkins; Paul Williams; Tennert, John; Alan Lebensfeld
Cc: James Pisanelli; Debra Spinelli; Magali Mercera; Robert A. Ryan; Emily A. Buchwald; Joshua Gilmore; Stephanie Glantz; Beavers, Wade; mconnot@foxrothschild.com; ksutehall@foxrothschild.com; Susan Russo; Cinda C. Towne
Subject: RE: [EXTERNAL]:Caesars/Seibel - 30-day extensions

CAUTION: External Email

You may apply my e-signature. Thank you.

Aaron D. Lovaas
702.777.7519 | Aaron.Lovaas@ndlf.com
[Newmeyer & Dillion LLP](#)

Cinda C. Towne

From: Paul Williams <PWilliams@baileykennedy.com>
Sent: Wednesday, October 7, 2020 9:08 AM
To: Brittanie T. Watkins
Cc: James Pisanelli; Debra Spinelli; Magali Mercera; Robert A. Ryan; Emily A. Buchwald; Joshua Gilmore; Stephanie Glantz; Beavers, Wade; mconnot@foxrothschild.com; ksutehall@foxrothschild.com; Susan Russo; Cinda C. Towne; Tennert, John; Aaron D. Lovaas; Alan Lebensfeld
Subject: RE: [EXTERNAL]:Caesars/Seibel - 30-day extensions

CAUTION: External Email

You may apply my electronic signature.

Thank you,

Paul C. Williams
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8984 Spanish Ridge Avenue
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(702) 789-4552 (Direct)
(702) 301-2725 (Cell)
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PWilliams@BaileyKennedy.com

Cinda C. Towne

From: Tennert, John <jtennert@fclaw.com>
Sent: Thursday, October 8, 2020 5:52 PM
To: Brittanie T. Watkins
Cc: James Pisanelli; Debra Spinelli; Magali Mercera; Robert A. Ryan; Emily A. Buchwald; Joshua Gilmore; Paul Williams; Stephanie Glantz; Beavers, Wade; mconnot@foxrothschild.com; ksutehall@foxrothschild.com; Susan Russo; Cinda C. Towne; Aaron D. Lovaas; Alan Lebensfeld
Subject: Re: [EXTERNAL]:Caesars/Seibel - 30-day extensions

CAUTION: External Email

Hi Brittanie, you may apply my electronic signature.
Thanks,

Sent from my iPhone

John D. Tennert III, Director
T: 775.788.2212 | F: 775.788.2213
jtennert@fclaw.com

TAB 83

A-17-751759-B

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

November 23, 2020

A-17-751759-B Rowen Seibel, Plaintiff(s)
vs.
PHWLV LLC, Defendant(s)

November 23, 2020 8:00 AM Minute Order: Ceaser's Motion to Strike

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

COURT CLERK: Christopher Darling

JOURNAL ENTRIES

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

There are three Nevada Rules of Civil Procedure (NRCP) that are implicated by the instant motion: Rule 12(f), which governs motions to strike, Rule 15(a), which governs amendments to pleadings, and former Rule 13(f), which governed the addition of omitted counterclaims. The 2019 Amendments to the NRCP changed Rule 15(a) and abrogated Rule 13(f). (consistent with the Federal Rules of Civil Procedure).

The Nevada Supreme Court has not addressed whether counterclaims filed in response to an amended complaint under NRCP 15 must be permitted as of right. Therefore, all parties have turned to federal case law addressing the analogous FRCP, specifically Rule 15. The three

PRINT DATE: 11/23/2020

Page 1 of 4

Minutes Date: November 23, 2020

PA01479

approaches have been characterized as narrow, permissive, and moderate. Courts applying the narrow approach held that an amended answer must be explicitly confined to the amendments to the complaint. On the other end of the spectrum, Courts applying the permissive view had that the defendant is allowed to plead anew to the amended complaint as though it were the original complaint. The moderate approach held that the breadth of the amended response's changes must reflect the breadth of the changes in the amended complaint. The abrogation of FRCP 13(f) in 2009; and consequently NRCP 13(f) in 2019 would supersede cases following the narrow approach. See Sierra Dev. Co. v. Chartwell Advisory Grp. Ltd., No. 13cv602 BEN (VPC), 2016 U.S. Dist. LEXIS 160308, at *11 (D. Nev. Nov. 18, 2016). The permissive approach deprives the Court of the ability to manage litigation. See id. Under Nevada law, the permissive approach would contradict NRCP Rule 16, which the Supreme Court implemented to ensure trial judges actively managed their cases in an orderly manner. Under the moderate approach, the amended counterclaims would not be permitted because the breadth of the changes in the new counterclaims do not reflect the breadth of the changes to Casear's First Amended Complaint (i.e. the kick back scheme). Instead the amended counterclaims relate to Ceasar's termination of the Seibel Agreements. Moreover, this Court already rejected Defendants' efforts to amend similar counterclaims for failing to show good cause after the deadline to amend expired.

Nev. R. Civ. P. 15(a), a party should be granted leave to amend a pleading when justice

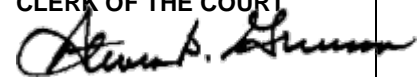
so requires, and the proposed amendment is not futile. However, when a party seeks to amend a pleading after the deadline previously set for seeking such amendment has expired, Nev. R. Civ. P. 16(b) requires a showing of "good cause" for missing the deadline. See Nutton v. Sunset Station, 131 Nev. 279, 357 P.3d 966, 131 Nev. Adv. Rep. 34 (2015).

Accordingly, this Court has considered the three approaches; however, this Court will follow the NRCP 16 mandate which specifically requires a showing of good cause to amend the pleadings after the timer period set forth in the court's scheduling order expired. Consequently, the amended counterclaims are time-barred by this Court's prior scheduling order and the previous denial of the LTTQ/FERG Defendants' Motion to Amend. Caesars' first amended complaint did not open the door for the Seibel-Affiliated Entities to expand the scope of the litigation beyond its current parameters. Thus, the Seibel-Affiliated Entities' new counterclaims must be stricken. Accordingly, this Court hereby **GRANTS** Caesar's Motion to Strike the Seibel-Affiliated Entities' Counterclaims.

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

CLERK'S NOTE: A copy of this Minute Order was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

TAB 84



FFCO
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Corporation d/b/a Caesars Atlantic City*

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

ROWEN SEIBEL, an individual and citizen of
New York, derivatively on behalf of Real Party
in Interest GR BURGR LLC, a Delaware
limited liability company,

Plaintiff,

v.

PHWLTV, LLC, a Nevada limited liability
company; GORDON RAMSAY, an individual;
DOES I through X; ROE CORPORATIONS I
through X,

Defendants,

and

GR BURGR LLC, a Delaware limited liability
company,

Nominal Plaintiff.

AND ALL RELATED MATTERS

Case No.: A-17-751759-B

Dept. No.: XVI

Consolidated with A-17-760537-B

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER GRANTING
CAESARS' MOTION TO STRIKE THE
SEIBEL-AFFILIATED ENTITIES'
COUNTERCLAIMS, AND/OR IN THE
ALTERNATIVE, MOTION TO DISMISS**

Date of Hearing: September 23, 2020

Time of Hearing: 9:00 a.m.

PHWLV, LLC ("Planet Hollywood"), Desert Palace, Inc. ("Caesars Palace"), Paris Las Vegas Operating Company, LLC ("Paris"), and Boardwalk Regency Corporation d/b/a Caesars Atlantic City's ("CAC," and collectively, with Caesars Palace, Paris, and Planet Hollywood, "Caesars,") *Motion to Strike the Seibel-Affiliated Entities' Counterclaims, and/or in the Alternative, Motion to Dismiss* (the "Motion to Strike"), filed on July 15, 2020, came before this Court for hearing on September 23, 2020, at 9:00 a.m. James J. Pisanelli, Esq., Debra L. Spinelli, Esq., and Brittanie T. Watkins, Esq. of the law firm PISANELLI BICE PLLC, appeared telephonically on behalf of Caesars. John R. Bailey, Esq. and Paul C. Williams, Esq. of the law firm BAILEY KENNEDY, appeared telephonically on behalf of TPOV Enterprises, LLC ("TPOV"), TPOV Enterprises 16, LLC ("TPOV 16"), LLTQ Enterprises, LLC ("LLTQ"), LLTQ Enterprises 16, LLC ("LLTQ 16"), FERG, LLC ("FERG"), FERG 16, LLC ("FERG 16"), MOTI Partners, LLC ("MOTI"), MOTI Partners 16, LLC ("MOTI 16"), and DNT Acquisition, LLC ("DNT"), appearing derivatively by and through R Squared Global Solutions, LLC ("R Squared"), (collectively the "Development Entities"), Rowen Seibel ("Seibel"), and Craig Green ("Green").¹ John Tennert, Esq., of the law firm FENNEMORE CRAIG, appeared telephonically on behalf of Gordon Ramsay ("Ramsay"). Aaron D. Lovaas, Esq. of the law firm NEWMAYER & DILLION LLP, appeared telephonically on behalf of GR Burgr, LLC ("GRB").

The Court having considered the Motion to Strike, the opposition thereto, as well as argument of counsel presented at the hearing, and good cause appearing therefor, enters the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. THE COURT FINDS THAT, Caesars filed its Complaint in Case No. A-17-760537-B on August 25, 2017 (the "Original Complaint"), setting forth three causes of action against Seibel and the Development Entities relating to the termination of the

¹ Seibel, Green, and the Development Entities are collectively referred to herein as the "Development Parties."

1 Development Agreements,² including: (1) declaratory judgment declaring that Caesars properly
2 terminated all of the Development Agreements; (2) declaratory judgment declaring that Caesars
3 does not have any current or future obligations to Defendants under the Development Agreements;
4 and (3) declaratory judgment declaring that the Development Agreements do not prohibit or limit
5 existing or future restaurant ventures between Caesars and Ramsay.

6 2. THE COURT FURTHER FINDS THAT, Case No A-17-760537-B was
7 consolidated with and into Case No. A-17-751759-B on or about February 9, 2018, pursuant to a
8 stipulation and order. (Stipulation & Order to Consolidate Case No. A-17-760537-B with & into
9 Case No. A-17-751759-B, Feb. 9, 2018, on file.)

10 3. THE COURT FURTHER FINDS THAT, on or about July 6, 2018, LLTQ, LLTQ
11 16, FERG, FERG 16, and DNT, derivatively by R Squared, filed answers to Caesars' Original
12 Complaint and counterclaims against Caesars. (LLTQ/FERG Defs.' Answer & Affirmative
13 Defenses to Pl.'s Compl. & Countercls., July 6, 2018, on file; Def. DNT's Answer to Pl.'s Compl.
14 & Coutnercls., July 6, 2018, on file.)

15 4. THE COURT FURTHER FINDS THAT, on or about July 6, 2018, TPOV, TPOV
16 16, MOTI, and MOTI 16 filed answers only to Caesars' Original Complaint. (MOTI Defs.' Answer
17 & Affirmative Defenses to Pl.'s Compl., July 6, 2018; Defs. TPOV & TPOV 16's Answer to Pl.'s
18 Compl., July 6, 2018, on file.)

19 5. THE COURT FURTHER FINDS THAT, on or about October 31, 2018, the Court
20 issued a scheduling order setting, among other things, the deadline to amend pleadings or add
21 _____

22 ² The Development Agreements include: (1) a Development, Operation and License
23 Agreement between MOTI Partners, LLC and Desert Palace, Inc., dated March 2009 (the "MOTI
24 Agreement"); (2) a Development, Operation and License Agreement between DNT Acquisition,
25 LLC, the Original Homestead Restaurant, Inc., and Desert Palace, Inc., dated June 21, 2011 (the
26 "DNT Agreement"); (3) a Development and Operation Agreement between TPOV and Paris, dated
27 November 2011 (the "TPOV Agreement"); (4) a Development and Operation Agreement between
28 LLTQ Enterprises, LLC and Desert Palace, Inc., dated April 4, 2012 (the "LLTQ Agreement"); (5)
a Development, Operation and License Agreement between PHW Las Vegas, LLC dba Planet
Hollywood by its manager, PHW Manager, LLC, GR BURGR, LLC, and Gordon Ramsay, dated
December 13, 2012 (the "GR Burgr Agreement"); and (6) a Consulting Agreement between FERG,
LLC and Boardwalk Regency Corporation dba Caesars Atlantic City, dated May 16, 2014 (the
"FERG Agreement").

1 parties for February 4, 2019. (Business Court Scheduling Order Setting Civil Jury Trial & Pre-Trial
2 Conference Calendar Call, Oct. 31, 2018, on file, at 2:3.)

3 6. THE COURT FURTHER FINDS THAT, the deadline to amend pleadings or add
4 parties was never extended or otherwise modified beyond February 4, 2019.

5 7. THE COURT FURTHER FINDS THAT, on or about October 2, 2019, nearly eight
6 months after the deadline to amend pleadings expired, LLTQ, LLTQ 16, FERG, and FERG 16 (the
7 "LLTQ/FERG Defendants") moved this Court for leave to amend their counterclaims to add claims
8 in their counterclaims related to a Gordon Ramsay Steak Restaurant located in Atlantic City as well
9 as additional restaurants in the United States involving Gordon Ramsay and Caesars or its affiliates
10 (Mot. to Amend LLTQ/FERG Defendants' Answer, Affirmative Defenses & Countercls., Oct. 2,
11 2019, on file.)

12 8. THE COURT FURTHER FINDS THAT, the Court denied the LLTQ/FERG
13 Defendants' request to amend, finding that the LLTQ/FERG Defendants had failed to meet their
14 "burden and ha[d] not demonstrated that good cause exists to permit amendment of their
15 counterclaim." (Order Denying Mot. to Amend LLTQ/FERG Defs.' Answer, Affirmative Defenses,
16 & Countercls., at 3:4-6, Nov. 25, 2019, on file.) The Court specifically held that "[t]he LLTQ/FERG
17 Defendants were aware of the facts they sought to include in their amended counterclaim before
18 the deadline to amend expired and they delayed seeking leave to amend their counterclaim." (*Id.* at
19 3:6-8.)

20 9. THE COURT FURTHER FINDS THAT, on or about December 12, 2019, ten
21 months after the deadline to amend pleadings expired, Caesars moved to amend its Original
22 Complaint to add new allegations and claims pertaining to an alleged kickback scheme it claimed
23 to have uncovered following discovery and depositions and to add Green as a defendant. (Caesars'
24 Mot. for Leave to File 1st Am. Compl., Dec. 12, 2019, on file.)

25 10. THE COURT FURTHER FINDS THAT, on or about March 10, 2020, this Court
26 granted Caesars' motion to amend, finding that "Caesars demonstrated good cause [to permit
27 amendment after the deadline to amend expired] because depositions had to be taken in order to
28

1 understand the documents produced by the parties." (Order Granting Caesars' Mot. for Leave to
2 File 1st Am. Compl., at 3:6-9, Mar. 10, 2020, on file.)

3 11. THE COURT FURTHER FINDS THAT, on or about March 11, 2020, Caesars filed
4 its First Amended Complaint, asserting five new claims, including (1) civil conspiracy against
5 Seibel and Green, (2) breaches of the implied covenants of good faith and fair dealing against the
6 Development Entities; (3) unjust enrichment against Seibel and Green, (4) intentional interference
7 with contractual relations against Seibel and Green, and (5) fraudulent concealment against Seibel
8 and Green. (First Am. Compl., Mar. 11, 2020, ¶¶ 171-206, on file.)

9 12. THE COURT FURTHER FINDS THAT, all of Caesars' new allegations and claims
10 were limited to an alleged kickback scheme Caesars claimed to have uncovered in discovery during
11 the litigation.

12 13. THE COURT FURTHER FINDS THAT, Caesars did not make changes to any of
13 the claims or allegations surrounding Caesars' termination of the Development Agreements as
14 pleaded in the Original Complaint.

15 14. THE COURT FURTHER FINDS THAT, on or about April 8, 2020, the
16 Development Parties filed a Motion to Dismiss Counts IV, V, VI, VII, and VIII of Caesars' First
17 Amended Complaint (the "Development Parties' Motion to Dismiss").

18 15. THE COURT FURTHER FINDS THAT, Caesars' First Amended Complaint
19 withstood the Rule 12(b)(5) challenge and the Development Parties' Motion to Dismiss was denied.
20 (Order Denying without Prejudice Rowen Seibel, the Development Entities, & Craig Green's
21 Motion to Dismiss Counts IV, V, VI, VII, & VIII of Caesars' 1st Am. Compl., May 29, 2020, on
22 file.)

23 16. THE COURT FURTHER FINDS THAT, on or about June 19, 2020, the
24 Development Parties filed a consolidated Answer to Caesars' First Amended Complaint and
25 Counterclaims. (The Development Entities, Seibel, & Green's Answer to Caesars' 1st Am. Compl.
26 & Countercls., June 19, 2020, on file.)

27 17. THE COURT FURTHER FINDS THAT, in their counterclaims filed June 19, 2020,
28 all of the Development Entities asserted claims for breach of contract and breach of the implied

1 covenant of good faith and fair dealing against Caesars concerning the termination of the
2 Development Agreements as first alleged in Caesars' Original Complaint brought nearly three years
3 prior.

4 18. THE COURT FURTHER FINDS THAT, the counterclaims filed June 19, 2020
5 included claims from TPOV, TPOV 16, MOTI, and MOTI 16, entities that did not previously assert
6 any counterclaims in response to Caesars' Original Complaint.

7 19. THE COURT FURTHER FINDS THAT, none of the Development Entities'
8 counterclaims filed June 19, 2020 pertain to the new claims (the alleged kickback scheme) brought
9 by Caesars in its First Amended Complaint.

10 20. THE COURT FURTHER FINDS THAT, the Development Entities did not move to
11 amend their initial counterclaims filed July 6, 2018 before filing their counterclaims on June 19,
12 2020, nor did they seek reconsideration of this Court's prior order denying the LLTQ/FERG
13 Defendants' previous motion to amend.

14 CONCLUSIONS OF LAW

15 1. There are three Nevada Rules of Civil Procedure ("NRCP") that are implicated by
16 the instant motion: Rule 12(f), which governs motions to strike, Rule 15(a), which governs
17 amendments to pleadings, and former Rule 13(f), which governed the addition of omitted
18 counterclaims.

19 2. The 2019 Amendments to the NRCPs changed Rule 15(a) and abrogated Rule 13(f)
20 (consistent with the Federal Rules of Civil Procedure).

21 3. Pursuant to NRCP 12(f), a "court may strike from a pleading an insufficient defense
22 or any redundant, immaterial, impertinent, or scandalous matter." *See also Russell Rd. Food &*
23 *Beverage, LLC v. Galam*, No. 2:13-CV-0776-JCM-NJK, 2013 WL 6684631, at *1 (D. Nev. Dec.
24 17, 2013 (internal quotations omitted) ("A motion to strike material from a pleading is made
25 pursuant to Rule 12(f), which allows courts to strike an insufficient defense or any redundant,
26 immaterial, impertinent or scandalous matter.").

27 4. "The essential function of a Rule 12(f) motion is to 'avoid the expenditure of time
28 and money that may arise from litigating spurious issues by dispensing with those issues prior to

trial." *Russell Rd. Food & Beverage, LLC*, 2013 WL 6684631, at *1 (quoting *Fantasy, Inc. v. Fogerty*, 984 F.2d 1524, 1527 (9th Cir. 1993)); *see also Bolick v. Pasioneck*, No. 2:10-CV-00353-KJD, 2011 WL 742237, at *3 (D. Nev. Feb. 24, 2011) (citations omitted) ("The Court is cautious of transparent attempts to prolong litigation, open up spurious discovery issues, or that may unnecessarily waste time, expense, resources or cause undue prejudice.").

5. "In considering a motion to strike, 'the court views the pleadings in the light most favorable to the non-moving party, and resolves any doubt as to the relevance of the challenged allegations or sufficiency of a defense in [non-moving party's] favor.'" *Genlyte Thomas Grp., LLC v. Covelli*, No. 208CV01350KJDPAL, 2009 WL 10709254, at *4 (D. Nev. Aug. 7, 2009) (quoting *State of Cal. Dep't of Toxic Substances Control v. Alco Pac., Inc.*, 217 F. Supp. 2d 1028, 1033 (C.D. Cal. 2002)).

6. There is no Nevada case law directly addressing whether a defendant may file amended counterclaims in response to an amended complaint without leave of court. Therefore, the Court turns to federal case law addressing the analogous Federal Rules of Civil Procedure.

7. Federal case law has recognized three separate approaches, which have been characterized as narrow, permissive, and moderate.

8. Under the narrow approach, "counterclaims as of right are allowed only if they are 'strictly confined to the new issues raised by the amended complaint.'" *Bibb Cnty. Sch. Dist. v. Dallemand*, Civil Action No. 5:26-cv-549, 2019 WL 1519299, at *3 n.6 (M.D. GA Apr. 8, 2019) (quoting *S. New England Tel. Co v. Glob. NAPS, Inc.*, Civil Action No. 3:04-cv-2075 (JCH), 2007 WL 521162, at *2-3 (D. Con. Feb. 14, 2007)). The abrogation of FRCP 13(f) in 2009; and consequently NRCP 13(f) in 2019 would supersede cases following the narrow approach. *See Sierra Dev. Co. v. Chartwell Advisory Grp. Ltd.*, No. 13-cv-602-BEN-VPC, 2016 U.S. Dist. LEXIS 160308, at *11 (D. Nev. Nov. 18, 2016).

9. "Under the 'permissive' approach, 'once a plaintiff amends a complaint, the defendant always has the right to amend to bring new counterclaims, without regard to the scope of the amendments.'" *Cieutat v. HPCSP Invs., LLC*, No. CV 20-0012-WS-B, 2020 WL 4004806, at *3 (S.D. Ala. July 15, 2020) (quoting *Bern Unlimited, Inc. v. Burton Corp.*, 25 F. Supp. 3d 170,

1 178 (D. Mass. 2014)). Courts have found that the permissive approach deprives a court of the ability
2 to manage the litigation. *See Sierra Dev. Co.*, 2016 U.S. Dist. LEXIS 160308, at *11. Under Nevada
3 law, the permissive approach would contradict NRCP 16, which the Nevada Supreme Court
4 implemented to ensure trial judges actively managed their cases in an orderly manner.

5 10. Under the moderate approach, courts have held that the breadth of the amended
6 counterclaim's changes must reflect the breadth of the changes in the amended complaint. Under
7 this approach, the Development Entities' counterclaims would not be permitted because the breadth
8 of the changes in their Amended Counterclaims do not reflect the breadth of the changes in Caesars'
9 First Amended Complaint (*i.e.*, the alleged kick-back scheme). Instead, the Amended
10 Counterclaims relate to Caesars' termination of the Development Agreements. Moreover, this Court
11 already rejected the LLTQ/FERG Defendants' efforts to file similar amended counterclaims, finding
12 that they failed to show good cause after the deadline to amend had expired.

13 11. Pursuant to NRCP 15(a), a party should be granted leave to amend a pleading when
14 justice so requires, and the proposed amendment is not futile. However, when a party seeks leave
15 to amend a pleading after the deadline previously set for seeking such amendment has expired,
16 NRCP 16(b) requires a showing of "good cause" for missing the deadline. *See Nutton v. Sunset*
17 *Station*, 131 Nev. 279, 28, 357 P.3d 966, 970-71 (Nev. App. 2015).

18 12. This Court has considered the three approaches described under federal law;
19 however, this Court will follow the NRCP 16 mandate, which specifically requires a showing of
20 good cause to amend the pleadings after the time for doing so set forth in the court's scheduling
21 order has expired.

22 13. "Where a scheduling order has been entered, the lenient standard under Rule 15(a),
23 which provides leave to amend 'shall be freely given,' must be balanced against the requirement
24 under Rule 16(b) that the Court's scheduling order shall not be modified except upon a showing of
25 good cause." *Nutton*, 131 Nev. at 285, 357 P.3d at 971 (quoting *Grochowski v. Phoenix Constr.*,
26 318 F.3d 80, 86 (2d Cir. 2003)). "Disregard of the [scheduling] order would undermine the court's
27 ability to control its docket, disrupt the agreed-upon course of the litigation, and reward the indolent
28

1 and the cavalier." *Id.* at 285–86, 357 P.3d at 971 (quoting *Johnson v. Mammoth Recreations, Inc.*,
2 975 F.2d 604, 610 (9th Cir. 1992)).

3 14. Consequently, the Amended Counterclaims are time-barred by this Court's prior
4 scheduling order and the previous denial of the LTTQ/FERG Defendants' Motion to Amend.

5 15. Caesars' First Amended Complaint did not open the door for the Development
6 Entities to expand the scope of the litigation beyond its current parameters. Thus, the Development
7 Entities' counterclaims filed June 19, 2020 must be stricken.

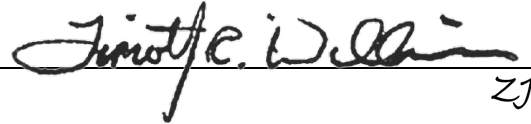
8 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Motion to Strike
9 shall be, and hereby is, GRANTED.

10 IT IS HEREBY FURTHER ORDERED that the Development Entities' Amended
11 Counterclaims are STRICKEN in their entirety.

IT IS HEREBY FURTHER ORDERED that the Development Entities shall file a responsive pleading consistent with this order (as well as any and all applicable prior orders).

IT IS SO ORDERED.

DATED this 3rd day of ~~January~~ February 2021.



Respectfully submitted by:

Approved as to form and content by:

DATED January 27, 2021

DATED January 27, 2021

PISANELLI BICE PLLC

FENNEMORE CRAIG, P.C.

By: /s/ M. Magali Mercera
James J. Pisanelli, Esq., Bar No. 4027
Debra L. Spinelli, Esq., Bar No. 9695
M. Magali Mercera, Esq., Bar No. 11742
Brittanie T. Watkins, Esq., Bar No. 13612
400 South 7th Street, Suite 300
Las Vegas, NV 89101

By: /s/ John D. Tennert
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Attorneys for Gordon Ramsay

and

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(admitted *pro hac vice*)
William E. Arnault, IV, Esq.
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Chicago, IL 60654

*Attorneys for Desert Palace, Inc.;
Paris Las Vegas Operating
Company, LLC; PHWLTV, LLC; and
Boardwalk Regency
Corporation d/b/a Caesars Atlantic City*

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Approved as to form and content by:

DATED January 27, 2021

LEBENSFELD SHARON & SCHWARTZ P.C.

By: /s/ Alan M. Lebensfeld
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Kevin M. Sutehall, Esq.
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1980 Festival Plaza Drive, #700
Las Vegas, NV 89135

*Attorneys for The Original Homestead
Restaurant, Inc*

Approved as to form and content by:

DATED January 27, 2021

NEWMAYER & DILLION LLP

By: /s/ Aaron D. Lovaas
Aaron D. Lovaas, Esq.
3800 Howard Hughes Pkwy, Suite 700
Las Vegas, Nevada 89169

Attorneys for GR Burgr, LLC

Cinda C. Towne

From: Alan Lebensfeld <Alan.Lebensfeld@lsandspc.com>
Sent: Wednesday, January 27, 2021 12:19 PM
To: Magali Mercera; Paul Williams
Cc: Debra Spinelli; Emily A. Buchwald; Robert A. Ryan; Brittnie T. Watkins; James Pisanelli; Aaron D. Lovaas; Tennert, John; Joshua Gilmore; Stephanie Glantz; Sharon Murnane; Susan Russo; Beavers, Wade
Subject: RE: [EXTERNAL]:RE: Notification of Service for Case: A-17-751759-B, Rowen Seibel, Plaintiff(s) vs.PHWLV LLC, Defendant(s) for filing Service Only, Envelope Number: 6981047 [FC-Email.FID7746767]

CAUTION: External Email

Magali, you have my authority to apply my signature to the Order.

Thank you.

Alan

From: Magali Mercera [mailto:mmm@pisanellibice.com]
Sent: Wednesday, January 27, 2021 2:36 PM
To: Paul Williams
Cc: Debra Spinelli; Emily A. Buchwald; Robert A. Ryan; Brittnie T. Watkins; James Pisanelli; Aaron D. Lovaas; Tennert, John; Joshua Gilmore; Stephanie Glantz; Sharon Murnane; Susan Russo; Beavers, Wade; Alan Lebensfeld
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Thanks, Paul. As discussed during our meet and confer, we believe that your proposal narrows the court's ruling, which limits any new allegations and counterclaims to the kickback scheme. Since we are at an impasse, we will proceed with submitting competing orders. We will plan to send ours this afternoon and copy counsel on the submission.

John, Alan, and Aaron – I assume we still have your approval to apply your e-signatures to this version. If that is not correct, please let us know promptly.

Once we have final confirmation from John, Alan, and Aaron, we will plan to submit the order and note in the body of the email that a competing version is being submitted by you as well. We would request that you similarly copy us on the submission.

Thanks,

M. Magali Mercera
PISANELLI BICE, PLLC
Telephone: (702) 214-2100
mmm@pisanellibice.com | www.pisanellibice.com



Please consider the environment before printing.

This transaction and any attachment is confidential. Any dissemination or copying of this communication is prohibited. If you are not the intended recipient, please notify us immediately by replying and delete the message. Thank you.

Cinda C. Towne

From: Aaron D. Lovaas <Aaron.Lovaas@ndlf.com>
Sent: Wednesday, January 27, 2021 12:28 PM
To: Magali Mercera; Paul Williams
Cc: Debra Spinelli; Emily A. Buchwald; Robert A. Ryan; Brittnie T. Watkins; James Pisanelli; Tennert, John; Joshua Gilmore; Stephanie Glantz; Sharon Murnane; Susan Russo; Beavers, Wade; Alan Lebensfeld
Subject: RE: [EXTERNAL]:RE: Notification of Service for Case: A-17-751759-B, Rowen Seibel, Plaintiff(s) vs.PHWLV LLC, Defendant(s) for filing Service Only, Envelope Number: 6981047 [FC-Email.FID7746767]

CAUTION: External Email

Confirming my previous authorization to affix my e-signature.

Aaron D. Lovaas
702.777.7519 | Aaron.Lovaas@ndlf.com
[Newmeyer & Dillion LLP](#)

From: Magali Mercera <mmm@pisanellibice.com>
Sent: Wednesday, January 27, 2021 11:36 AM
To: Paul Williams <PWilliams@baileykennedy.com>
Cc: Debra Spinelli <dls@pisanellibice.com>; Emily A. Buchwald <eab@pisanellibice.com>; Robert A. Ryan <RR@pisanellibice.com>; Brittnie T. Watkins <BTW@pisanellibice.com>; James Pisanelli <jjp@pisanellibice.com>; Aaron D. Lovaas <Aaron.Lovaas@ndlf.com>; Tennert, John <jtennert@fennemorelaw.com>; Joshua Gilmore <JGilmore@baileykennedy.com>; Stephanie Glantz <SGlantz@baileykennedy.com>; Sharon Murnane <SMurnane@baileykennedy.com>; Susan Russo <SRusso@baileykennedy.com>; Beavers, Wade <WBeavers@fennemorelaw.com>; Alan Lebensfeld <Alan.Lebensfeld@lsandspc.com>
Subject: RE: [EXTERNAL]:RE: Notification of Service for Case: A-17-751759-B, Rowen Seibel, Plaintiff(s)vs.PHWLV LLC, Defendant(s) for filing Service Only, Envelope Number: 6981047 [FC-Email.FID7746767]

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Thanks,

M. Magali Mercera
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Please consider the environment before printing.

Cinda C. Towne

From: Tennert, John <jtennert@fennemorelaw.com>
Sent: Wednesday, January 27, 2021 11:40 AM
To: Magali Mercera; Paul Williams
Cc: Debra Spinelli; Emily A. Buchwald; Robert A. Ryan; Brittnie T. Watkins; James Pisanelli; Aaron D. Lovaas; Joshua Gilmore; Stephanie Glantz; Sharon Murnane; Susan Russo; Beavers, Wade; Alan Lebensfeld
Subject: RE: [EXTERNAL]:RE: Notification of Service for Case: A-17-751759-B, Rowen Seibel, Plaintiff(s) vs.PHWLV LLC, Defendant(s) for filing Service Only, Envelope Number: 6981047 [FC-Email.FID7746767]

CAUTION: External Email

Magali,
Yes, you still have my approval to apply my e-signature to Caesars' version.
Thanks,
John

John D. Tennert III, Director
T: 775.788.2212 | F: 775.788.2213
jtennert@fennemorelaw.com

From: Magali Mercera <mmm@pisanellibice.com>
Sent: Wednesday, January 27, 2021 11:36 AM
To: Paul Williams <PWilliams@baileykennedy.com>
Cc: Debra Spinelli <dls@pisanellibice.com>; Emily A. Buchwald <eab@pisanellibice.com>; Robert A. Ryan <RR@pisanellibice.com>; Brittnie T. Watkins <BTW@pisanellibice.com>; James Pisanelli <jjp@pisanellibice.com>; Aaron D. Lovaas <Aaron.Lovaas@ndlf.com>; Tennert, John <jtennert@fennemorelaw.com>; Joshua Gilmore <JGilmore@baileykennedy.com>; Stephanie Glantz <SGlantz@baileykennedy.com>; Sharon Murnane <SMurnane@baileykennedy.com>; Susan Russo <SRusso@baileykennedy.com>; Beavers, Wade <WBeavers@fennemorelaw.com>; Alan Lebensfeld <Alan.Lebensfeld@lsandspc.com>
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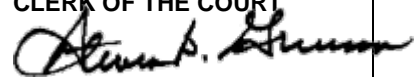
John, Alan, and Aaron – I assume we still have your approval to apply your e-signatures to this version. If that is not correct, please let us know promptly.

Once we have final confirmation from John, Alan, and Aaron, we will plan to submit the order and note in the body of the email that a competing version is being submitted by you as well. We would request that you similarly copy us on the submission.

Thanks,

M. Magali Mercera
PISANELLI BICE, PLLC

TAB 85



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*Attorneys for Desert Palace, Inc.;
Paris Las Vegas Operating Company, LLC;
PHWLTV, LLC; and Boardwalk Regency
Corporation d/b/a Caesars Atlantic City*

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

ROWEN SEIBEL, an individual and citizen of
New York, derivatively on behalf of Real Party
in Interest GR BURGR LLC, a Delaware
limited liability company,

Plaintiff,

v.

PHWLTV, LLC, a Nevada limited liability
company; GORDON RAMSAY, an individual;
DOES I through X; ROE CORPORATIONS I
through X,

Defendants,

and

GR BURGR LLC, a Delaware limited liability
company,

Nominal Plaintiff.

Case No.: A-17-751759-B
Dept. No.: XVI

Consolidated with A-17-760537-B

**NOTICE OF ENTRY OF FINDINGS OF
FACT, CONCLUSIONS OF LAW, AND
ORDER GRANTING CAESARS' MOTION
TO STRIKE THE SEIBEL-AFFILIATED
ENTITIES' COUNTERCLAIMS, AND/OR
IN THE ALTERNATIVE, MOTION TO
DISMISS**

AND ALL RELATED MATTERS

PLEASE TAKE NOTICE that the Findings of Fact, Conclusions of Law, and Order Granting Caesars' Motion to Strike the Seibel-Affiliated Entities' Counterclaims, and/or in the Alternative, Motion to Dismiss was entered in the above-captioned matter on February 3, 2021, a true and correct copy of which is attached hereto.

DATED this 3rd day of February 2021.

PISANELLI BICE PLLC

By: /s/ M. Magali Mercera
James J. Pisanelli, Esq., #4027
Debra L. Spinelli, Esq., #9695
M. Magali Mercera, Esq., #11742
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William E. Arnault, IV, Esq.
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Chicago, Illinois 60654

*Attorneys for Desert Palace, Inc.;
Paris Las Vegas Operating Company, LLC;
PHWL, LLC; and Boardwalk Regency
Corporation d/b/a Caesars Atlantic City*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC and that, on this 3rd day of February 2021, I caused to be served via the Court's e-filing/e-service system a true and correct copy of the above and foregoing **NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING CAESARS' MOTION TO STRIKE THE SEIBEL-AFFILIATED ENTITIES' COUNTERCLAIMS, AND/OR IN THE ALTERNATIVE, MOTION TO DISMISS** to the following:

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Dennis L. Kennedy, Esq.
Joshua P. Gilmore, Esq.
Paul C. Williams, Esq.
Stephanie J. Glantz, Esq.
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Moti Partners, LLC, Moti Partner 16, LLC,
LLTQ Enterprises, LLC, LLTQ Enterprises 16, LLC,
TPOV Enterprises, LLC, TPOV Enterprises 16, LLC,
FERG, LLC, and FERG 16, LLC; and R Squared
Global Solutions, LLC, Derivatively on Behalf of
DNT Acquisition, LLC*

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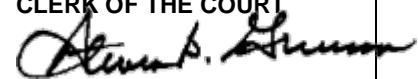
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*Attorneys for Nominal Plaintiff
GR Burgr LLC*

/s/ Cinda Towne
An employee of PISANELLI BICE PLLC



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Telephone: 312.862.2000

*Attorneys for Desert Palace, Inc.;
Paris Las Vegas Operating Company, LLC;
PHWLTV, LLC; and Boardwalk Regency
Corporation d/b/a Caesars Atlantic City*

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

ROWEN SEIBEL, an individual and citizen of
New York, derivatively on behalf of Real Party
in Interest GR BURGR LLC, a Delaware
limited liability company,

Plaintiff,

v.

PHWLTV, LLC, a Nevada limited liability
company; GORDON RAMSAY, an individual;
DOES I through X; ROE CORPORATIONS I
through X,

Defendants,

and

GR BURGR LLC, a Delaware limited liability
company,

Nominal Plaintiff.

AND ALL RELATED MATTERS

Case No.: A-17-751759-B

Dept. No.: XVI

Consolidated with A-17-760537-B

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER GRANTING
CAESARS' MOTION TO STRIKE THE
SEIBEL-AFFILIATED ENTITIES'
COUNTERCLAIMS, AND/OR IN THE
ALTERNATIVE, MOTION TO DISMISS**

Date of Hearing: September 23, 2020

Time of Hearing: 9:00 a.m.

PHWLV, LLC ("Planet Hollywood"), Desert Palace, Inc. ("Caesars Palace"), Paris Las Vegas Operating Company, LLC ("Paris"), and Boardwalk Regency Corporation d/b/a Caesars Atlantic City's ("CAC," and collectively, with Caesars Palace, Paris, and Planet Hollywood, "Caesars,") *Motion to Strike the Seibel-Affiliated Entities' Counterclaims, and/or in the Alternative, Motion to Dismiss* (the "Motion to Strike"), filed on July 15, 2020, came before this Court for hearing on September 23, 2020, at 9:00 a.m. James J. Pisanelli, Esq., Debra L. Spinelli, Esq., and Brittanie T. Watkins, Esq. of the law firm PISANELLI BICE PLLC, appeared telephonically on behalf of Caesars. John R. Bailey, Esq. and Paul C. Williams, Esq. of the law firm BAILEY KENNEDY, appeared telephonically on behalf of TPOV Enterprises, LLC ("TPOV"), TPOV Enterprises 16, LLC ("TPOV 16"), LLTQ Enterprises, LLC ("LLTQ"), LLTQ Enterprises 16, LLC ("LLTQ 16"), FERG, LLC ("FERG"), FERG 16, LLC ("FERG 16"), MOTI Partners, LLC ("MOTI"), MOTI Partners 16, LLC ("MOTI 16"), and DNT Acquisition, LLC ("DNT"), appearing derivatively by and through R Squared Global Solutions, LLC ("R Squared"), (collectively the "Development Entities"), Rowen Seibel ("Seibel"), and Craig Green ("Green").¹ John Tennert, Esq., of the law firm FENNEMORE CRAIG, appeared telephonically on behalf of Gordon Ramsay ("Ramsay"). Aaron D. Lovaas, Esq. of the law firm NEWMAYER & DILLION LLP, appeared telephonically on behalf of GR Burgr, LLC ("GRB").

The Court having considered the Motion to Strike, the opposition thereto, as well as argument of counsel presented at the hearing, and good cause appearing therefor, enters the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. THE COURT FINDS THAT, Caesars filed its Complaint in Case No. A-17-760537-B on August 25, 2017 (the "Original Complaint"), setting forth three causes of action against Seibel and the Development Entities relating to the termination of the

¹ Seibel, Green, and the Development Entities are collectively referred to herein as the "Development Parties."

1 Development Agreements,² including: (1) declaratory judgment declaring that Caesars properly
2 terminated all of the Development Agreements; (2) declaratory judgment declaring that Caesars
3 does not have any current or future obligations to Defendants under the Development Agreements;
4 and (3) declaratory judgment declaring that the Development Agreements do not prohibit or limit
5 existing or future restaurant ventures between Caesars and Ramsay.

6 2. THE COURT FURTHER FINDS THAT, Case No A-17-760537-B was
7 consolidated with and into Case No. A-17-751759-B on or about February 9, 2018, pursuant to a
8 stipulation and order. (Stipulation & Order to Consolidate Case No. A-17-760537-B with & into
9 Case No. A-17-751759-B, Feb. 9, 2018, on file.)

10 3. THE COURT FURTHER FINDS THAT, on or about July 6, 2018, LLTQ, LLTQ
11 16, FERG, FERG 16, and DNT, derivatively by R Squared, filed answers to Caesars' Original
12 Complaint and counterclaims against Caesars. (LLTQ/FERG Defs.' Answer & Affirmative
13 Defenses to Pl.'s Compl. & Countercls., July 6, 2018, on file; Def. DNT's Answer to Pl.'s Compl.
14 & Coutnercls., July 6, 2018, on file.)

15 4. THE COURT FURTHER FINDS THAT, on or about July 6, 2018, TPOV, TPOV
16 16, MOTI, and MOTI 16 filed answers only to Caesars' Original Complaint. (MOTI Defs.' Answer
17 & Affirmative Defenses to Pl.'s Compl., July 6, 2018; Defs. TPOV & TPOV 16's Answer to Pl.'s
18 Compl., July 6, 2018, on file.)

19 5. THE COURT FURTHER FINDS THAT, on or about October 31, 2018, the Court
20 issued a scheduling order setting, among other things, the deadline to amend pleadings or add
21 _____

22 ² The Development Agreements include: (1) a Development, Operation and License
23 Agreement between MOTI Partners, LLC and Desert Palace, Inc., dated March 2009 (the "MOTI
24 Agreement"); (2) a Development, Operation and License Agreement between DNT Acquisition,
25 LLC, the Original Homestead Restaurant, Inc., and Desert Palace, Inc., dated June 21, 2011 (the
26 "DNT Agreement"); (3) a Development and Operation Agreement between TPOV and Paris, dated
27 November 2011 (the "TPOV Agreement"); (4) a Development and Operation Agreement between
28 LLTQ Enterprises, LLC and Desert Palace, Inc., dated April 4, 2012 (the "LLTQ Agreement"); (5)
a Development, Operation and License Agreement between PHW Las Vegas, LLC dba Planet
Hollywood by its manager, PHW Manager, LLC, GR BURGR, LLC, and Gordon Ramsay, dated
December 13, 2012 (the "GR Burgr Agreement"); and (6) a Consulting Agreement between FERG,
LLC and Boardwalk Regency Corporation dba Caesars Atlantic City, dated May 16, 2014 (the
"FERG Agreement").

parties for February 4, 2019. (Business Court Scheduling Order Setting Civil Jury Trial & Pre-Trial Conference Calendar Call, Oct. 31, 2018, on file, at 2:3.)

6. THE COURT FURTHER FINDS THAT, the deadline to amend pleadings or add parties was never extended or otherwise modified beyond February 4, 2019.

7. THE COURT FURTHER FINDS THAT, on or about October 2, 2019, nearly eight months after the deadline to amend pleadings expired, LLTQ, LLTQ 16, FERG, and FERG 16 (the "LLTQ/FERG Defendants") moved this Court for leave to amend their counterclaims to add claims in their counterclaims related to a Gordon Ramsay Steak Restaurant located in Atlantic City as well as additional restaurants in the United States involving Gordon Ramsay and Caesars or its affiliates (Mot. to Amend LLTQ/FERG Defendants' Answer, Affirmative Defenses & Countercls., Oct. 2, 2019, on file.)

8. THE COURT FURTHER FINDS THAT, the Court denied the LLTQ/FERG Defendants' request to amend, finding that the LLTQ/FERG Defendants had failed to meet their "burden and ha[d] not demonstrated that good cause exists to permit amendment of their counterclaim." (Order Denying Mot. to Amend LLTQ/FERG Defs.' Answer, Affirmative Defenses, & Countercls., at 3:4-6, Nov. 25, 2019, on file.) The Court specifically held that "[t]he LLTQ/FERG Defendants were aware of the facts they sought to include in their amended counterclaim before the deadline to amend expired and they delayed seeking leave to amend their counterclaim." (*Id.* at 3:6-8.)

9. THE COURT FURTHER FINDS THAT, on or about December 12, 2019, ten months after the deadline to amend pleadings expired, Caesars moved to amend its Original Complaint to add new allegations and claims pertaining to an alleged kickback scheme it claimed to have uncovered following discovery and depositions and to add Green as a defendant. (Caesars' Mot. for Leave to File 1st Am. Compl., Dec. 12, 2019, on file.)

10. THE COURT FURTHER FINDS THAT, on or about March 10, 2020, this Court granted Caesars' motion to amend, finding that "Caesars demonstrated good cause [to permit amendment after the deadline to amend expired] because depositions had to be taken in order to

1 understand the documents produced by the parties." (Order Granting Caesars' Mot. for Leave to
2 File 1st Am. Compl., at 3:6-9, Mar. 10, 2020, on file.)

3 11. THE COURT FURTHER FINDS THAT, on or about March 11, 2020, Caesars filed
4 its First Amended Complaint, asserting five new claims, including (1) civil conspiracy against
5 Seibel and Green, (2) breaches of the implied covenants of good faith and fair dealing against the
6 Development Entities; (3) unjust enrichment against Seibel and Green, (4) intentional interference
7 with contractual relations against Seibel and Green, and (5) fraudulent concealment against Seibel
8 and Green. (First Am. Compl., Mar. 11, 2020, ¶¶ 171-206, on file.)

9 12. THE COURT FURTHER FINDS THAT, all of Caesars' new allegations and claims
10 were limited to an alleged kickback scheme Caesars claimed to have uncovered in discovery during
11 the litigation.

12 13. THE COURT FURTHER FINDS THAT, Caesars did not make changes to any of
13 the claims or allegations surrounding Caesars' termination of the Development Agreements as
14 pleaded in the Original Complaint.

15 14. THE COURT FURTHER FINDS THAT, on or about April 8, 2020, the
16 Development Parties filed a Motion to Dismiss Counts IV, V, VI, VII, and VIII of Caesars' First
17 Amended Complaint (the "Development Parties' Motion to Dismiss").

18 15. THE COURT FURTHER FINDS THAT, Caesars' First Amended Complaint
19 withstood the Rule 12(b)(5) challenge and the Development Parties' Motion to Dismiss was denied.
20 (Order Denying without Prejudice Rowen Seibel, the Development Entities, & Craig Green's
21 Motion to Dismiss Counts IV, V, VI, VII, & VIII of Caesars' 1st Am. Compl., May 29, 2020, on
22 file.)

23 16. THE COURT FURTHER FINDS THAT, on or about June 19, 2020, the
24 Development Parties filed a consolidated Answer to Caesars' First Amended Complaint and
25 Counterclaims. (The Development Entities, Seibel, & Green's Answer to Caesars' 1st Am. Compl.
26 & Countercls., June 19, 2020, on file.)

27 17. THE COURT FURTHER FINDS THAT, in their counterclaims filed June 19, 2020,
28 all of the Development Entities asserted claims for breach of contract and breach of the implied

1 covenant of good faith and fair dealing against Caesars concerning the termination of the
2 Development Agreements as first alleged in Caesars' Original Complaint brought nearly three years
3 prior.

4 18. THE COURT FURTHER FINDS THAT, the counterclaims filed June 19, 2020
5 included claims from TPOV, TPOV 16, MOTI, and MOTI 16, entities that did not previously assert
6 any counterclaims in response to Caesars' Original Complaint.

7 19. THE COURT FURTHER FINDS THAT, none of the Development Entities'
8 counterclaims filed June 19, 2020 pertain to the new claims (the alleged kickback scheme) brought
9 by Caesars in its First Amended Complaint.

10 20. THE COURT FURTHER FINDS THAT, the Development Entities did not move to
11 amend their initial counterclaims filed July 6, 2018 before filing their counterclaims on June 19,
12 2020, nor did they seek reconsideration of this Court's prior order denying the LLTQ/FERG
13 Defendants' previous motion to amend.

14 CONCLUSIONS OF LAW

15 1. There are three Nevada Rules of Civil Procedure ("NRCP") that are implicated by
16 the instant motion: Rule 12(f), which governs motions to strike, Rule 15(a), which governs
17 amendments to pleadings, and former Rule 13(f), which governed the addition of omitted
18 counterclaims.

19 2. The 2019 Amendments to the NRCPs changed Rule 15(a) and abrogated Rule 13(f)
20 (consistent with the Federal Rules of Civil Procedure).

21 3. Pursuant to NRCP 12(f), a "court may strike from a pleading an insufficient defense
22 or any redundant, immaterial, impertinent, or scandalous matter." *See also Russell Rd. Food &*
23 *Beverage, LLC v. Galam*, No. 2:13-CV-0776-JCM-NJK, 2013 WL 6684631, at *1 (D. Nev. Dec.
24 17, 2013 (internal quotations omitted) ("A motion to strike material from a pleading is made
25 pursuant to Rule 12(f), which allows courts to strike an insufficient defense or any redundant,
26 immaterial, impertinent or scandalous matter.").

27 4. "The essential function of a Rule 12(f) motion is to 'avoid the expenditure of time
28 and money that may arise from litigating spurious issues by dispensing with those issues prior to

trial." *Russell Rd. Food & Beverage, LLC*, 2013 WL 6684631, at *1 (quoting *Fantasy, Inc. v. Fogerty*, 984 F.2d 1524, 1527 (9th Cir. 1993)); *see also Bolick v. Pasioneck*, No. 2:10-CV-00353-KJD, 2011 WL 742237, at *3 (D. Nev. Feb. 24, 2011) (citations omitted) ("The Court is cautious of transparent attempts to prolong litigation, open up spurious discovery issues, or that may unnecessarily waste time, expense, resources or cause undue prejudice.").

5. "In considering a motion to strike, 'the court views the pleadings in the light most favorable to the non-moving party, and resolves any doubt as to the relevance of the challenged allegations or sufficiency of a defense in [non-moving party's] favor.'" *Genlyte Thomas Grp., LLC v. Covelli*, No. 208CV01350KJDPAL, 2009 WL 10709254, at *4 (D. Nev. Aug. 7, 2009) (quoting *State of Cal. Dep't of Toxic Substances Control v. Alco Pac., Inc.*, 217 F. Supp. 2d 1028, 1033 (C.D. Cal. 2002)).

6. There is no Nevada case law directly addressing whether a defendant may file amended counterclaims in response to an amended complaint without leave of court. Therefore, the Court turns to federal case law addressing the analogous Federal Rules of Civil Procedure.

7. Federal case law has recognized three separate approaches, which have been characterized as narrow, permissive, and moderate.

8. Under the narrow approach, "counterclaims as of right are allowed only if they are 'strictly confined to the new issues raised by the amended complaint.'" *Bibb Cnty. Sch. Dist. v. Dallemand*, Civil Action No. 5:26-cv-549, 2019 WL 1519299, at *3 n.6 (M.D. GA Apr. 8, 2019) (quoting *S. New England Tel. Co v. Glob. NAPS, Inc.*, Civil Action No. 3:04-cv-2075 (JCH), 2007 WL 521162, at *2-3 (D. Con. Feb. 14, 2007)). The abrogation of FRCP 13(f) in 2009; and consequently NRCP 13(f) in 2019 would supersede cases following the narrow approach. *See Sierra Dev. Co. v. Chartwell Advisory Grp. Ltd.*, No. 13-cv-602-BEN-VPC, 2016 U.S. Dist. LEXIS 160308, at *11 (D. Nev. Nov. 18, 2016).

9. "Under the 'permissive' approach, 'once a plaintiff amends a complaint, the defendant always has the right to amend to bring new counterclaims, without regard to the scope of the amendments.'" *Cieutat v. HPCSP Invs., LLC*, No. CV 20-0012-WS-B, 2020 WL 4004806, at *3 (S.D. Ala. July 15, 2020) (quoting *Bern Unlimited, Inc. v. Burton Corp.*, 25 F. Supp. 3d 170,

1 178 (D. Mass. 2014)). Courts have found that the permissive approach deprives a court of the ability
2 to manage the litigation. *See Sierra Dev. Co.*, 2016 U.S. Dist. LEXIS 160308, at *11. Under Nevada
3 law, the permissive approach would contradict NRCP 16, which the Nevada Supreme Court
4 implemented to ensure trial judges actively managed their cases in an orderly manner.

5 10. Under the moderate approach, courts have held that the breadth of the amended
6 counterclaim's changes must reflect the breadth of the changes in the amended complaint. Under
7 this approach, the Development Entities' counterclaims would not be permitted because the breadth
8 of the changes in their Amended Counterclaims do not reflect the breadth of the changes in Caesars'
9 First Amended Complaint (*i.e.*, the alleged kick-back scheme). Instead, the Amended
10 Counterclaims relate to Caesars' termination of the Development Agreements. Moreover, this Court
11 already rejected the LLTQ/FERG Defendants' efforts to file similar amended counterclaims, finding
12 that they failed to show good cause after the deadline to amend had expired.

13 11. Pursuant to NRCP 15(a), a party should be granted leave to amend a pleading when
14 justice so requires, and the proposed amendment is not futile. However, when a party seeks leave
15 to amend a pleading after the deadline previously set for seeking such amendment has expired,
16 NRCP 16(b) requires a showing of "good cause" for missing the deadline. *See Nutton v. Sunset*
17 *Station*, 131 Nev. 279, 28, 357 P.3d 966, 970-71 (Nev. App. 2015).

18 12. This Court has considered the three approaches described under federal law;
19 however, this Court will follow the NRCP 16 mandate, which specifically requires a showing of
20 good cause to amend the pleadings after the time for doing so set forth in the court's scheduling
21 order has expired.

22 13. "Where a scheduling order has been entered, the lenient standard under Rule 15(a),
23 which provides leave to amend 'shall be freely given,' must be balanced against the requirement
24 under Rule 16(b) that the Court's scheduling order shall not be modified except upon a showing of
25 good cause." *Nutton*, 131 Nev. at 285, 357 P.3d at 971 (quoting *Grochowski v. Phoenix Constr.*,
26 318 F.3d 80, 86 (2d Cir. 2003)). "Disregard of the [scheduling] order would undermine the court's
27 ability to control its docket, disrupt the agreed-upon course of the litigation, and reward the indolent
28

1 and the cavalier." *Id.* at 285–86, 357 P.3d at 971 (quoting *Johnson v. Mammoth Recreations, Inc.*,
2 975 F.2d 604, 610 (9th Cir. 1992)).

3 14. Consequently, the Amended Counterclaims are time-barred by this Court's prior
4 scheduling order and the previous denial of the LTTQ/FERG Defendants' Motion to Amend.

5 15. Caesars' First Amended Complaint did not open the door for the Development
6 Entities to expand the scope of the litigation beyond its current parameters. Thus, the Development
7 Entities' counterclaims filed June 19, 2020 must be stricken.

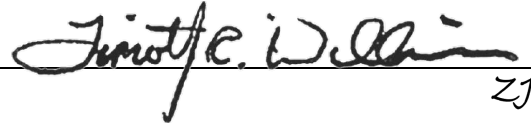
8 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Motion to Strike
9 shall be, and hereby is, GRANTED.

10 IT IS HEREBY FURTHER ORDERED that the Development Entities' Amended
11 Counterclaims are STRICKEN in their entirety.

1 IT IS HEREBY FURTHER ORDERED that the Development Entities shall file a
2 responsive pleading consistent with this order (as well as any and all applicable prior orders).

3 IT IS SO ORDERED.

4 DATED this 3rd day of ~~January~~ February 2021.

5
6  ZJ

8 Respectfully submitted by:

Approved as to form and content by:

9 DATED January 27, 2021

DATED January 27, 2021

10 PISANELLI BICE PLLC

FENNEMORE CRAIG, P.C.

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Approved as to form and content by:

DATED January 27, 2021

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DATED January 27, 2021

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Attorneys for GR Burgr, LLC

Cinda C. Towne

From: Alan Lebensfeld <Alan.Lebensfeld@lsandspc.com>
Sent: Wednesday, January 27, 2021 12:19 PM
To: Magali Mercera; Paul Williams
Cc: Debra Spinelli; Emily A. Buchwald; Robert A. Ryan; Brittnie T. Watkins; James Pisanelli; Aaron D. Lovaas; Tennert, John; Joshua Gilmore; Stephanie Glantz; Sharon Murnane; Susan Russo; Beavers, Wade
Subject: RE: [EXTERNAL]:RE: Notification of Service for Case: A-17-751759-B, Rowen Seibel, Plaintiff(s) vs.PHWLV LLC, Defendant(s) for filing Service Only, Envelope Number: 6981047 [FC-Email.FID7746767]

CAUTION: External Email

Magali, you have my authority to apply my signature to the Order.

Thank you.

Alan

From: Magali Mercera [mailto:mmm@pisanellibice.com]
Sent: Wednesday, January 27, 2021 2:36 PM
To: Paul Williams
Cc: Debra Spinelli; Emily A. Buchwald; Robert A. Ryan; Brittnie T. Watkins; James Pisanelli; Aaron D. Lovaas; Tennert, John; Joshua Gilmore; Stephanie Glantz; Sharon Murnane; Susan Russo; Beavers, Wade; Alan Lebensfeld
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Thanks, Paul. As discussed during our meet and confer, we believe that your proposal narrows the court's ruling, which limits any new allegations and counterclaims to the kickback scheme. Since we are at an impasse, we will proceed with submitting competing orders. We will plan to send ours this afternoon and copy counsel on the submission.

John, Alan, and Aaron – I assume we still have your approval to apply your e-signatures to this version. If that is not correct, please let us know promptly.

Once we have final confirmation from John, Alan, and Aaron, we will plan to submit the order and note in the body of the email that a competing version is being submitted by you as well. We would request that you similarly copy us on the submission.

Thanks,

M. Magali Mercera
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This transaction and any attachment is confidential. Any dissemination or copying of this communication is prohibited. If you are not the intended recipient, please notify us immediately by replying and delete the message. Thank you.

Cinda C. Towne

From: Aaron D. Lovaas <Aaron.Lovaas@ndlf.com>
Sent: Wednesday, January 27, 2021 12:28 PM
To: Magali Mercera; Paul Williams
Cc: Debra Spinelli; Emily A. Buchwald; Robert A. Ryan; Brittnie T. Watkins; James Pisanelli; Tennert, John; Joshua Gilmore; Stephanie Glantz; Sharon Murnane; Susan Russo; Beavers, Wade; Alan Lebensfeld
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Confirming my previous authorization to affix my e-signature.

Aaron D. Lovaas
702.777.7519 | Aaron.Lovaas@ndlf.com
[Newmeyer & Dillion LLP](#)

From: Magali Mercera <mmm@pisanellibice.com>
Sent: Wednesday, January 27, 2021 11:36 AM
To: Paul Williams <PWilliams@baileykennedy.com>
Cc: Debra Spinelli <dls@pisanellibice.com>; Emily A. Buchwald <eab@pisanellibice.com>; Robert A. Ryan <RR@pisanellibice.com>; Brittnie T. Watkins <BTW@pisanellibice.com>; James Pisanelli <jjp@pisanellibice.com>; Aaron D. Lovaas <Aaron.Lovaas@ndlf.com>; Tennert, John <jtennert@fennemorelaw.com>; Joshua Gilmore <JGilmore@baileykennedy.com>; Stephanie Glantz <SGlantz@baileykennedy.com>; Sharon Murnane <SMurnane@baileykennedy.com>; Susan Russo <SRusso@baileykennedy.com>; Beavers, Wade <WBeavers@fennemorelaw.com>; Alan Lebensfeld <Alan.Lebensfeld@lsandspc.com>
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Cinda C. Towne

From: Tennert, John <jtennert@fennemorelaw.com>
Sent: Wednesday, January 27, 2021 11:40 AM
To: Magali Mercera; Paul Williams
Cc: Debra Spinelli; Emily A. Buchwald; Robert A. Ryan; Brittnie T. Watkins; James Pisanelli; Aaron D. Lovaas; Joshua Gilmore; Stephanie Glantz; Sharon Murnane; Susan Russo; Beavers, Wade; Alan Lebensfeld
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CAUTION: External Email

Magali,
Yes, you still have my approval to apply my e-signature to Caesars' version.
Thanks,
John

John D. Tennert III, Director
T: 775.788.2212 | F: 775.788.2213
jtennert@fennemorelaw.com

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Cc: Debra Spinelli <dls@pisanellibice.com>; Emily A. Buchwald <eab@pisanellibice.com>; Robert A. Ryan <RR@pisanellibice.com>; Brittnie T. Watkins <BTW@pisanellibice.com>; James Pisanelli <jjp@pisanellibice.com>; Aaron D. Lovaas <Aaron.Lovaas@ndlf.com>; Tennert, John <jtennert@fennemorelaw.com>; Joshua Gilmore <JGilmore@baileykennedy.com>; Stephanie Glantz <SGlantz@baileykennedy.com>; Sharon Murnane <SMurnane@baileykennedy.com>; Susan Russo <SRusso@baileykennedy.com>; Beavers, Wade <WBeavers@fennemorelaw.com>; Alan Lebensfeld <Alan.Lebensfeld@lsandspc.com>
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