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12 *16, LLC; LLTQ Enterprises, LLC; LLTQ Enterprises 16, LLC;*  
13 *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*

14  
15 IN THE SUPREME COURT OF THE STATE OF NEVADA

16 MOTI PARTNERS, LLC; MOTI  
17 PARTNERS 16, LLC; LLTQ  
18 ENTERPRISES, LLC; LLTQ  
19 ENTERPRISES 16, LLC; TPOV  
20 ENTERPRISES, LLC; TPOV  
ENTERPRISES 16, LLC; FERG, LLC;  
FERG 16, LLC; and R SQUARED  
GLOBAL SOLUTIONS, LLC,  
derivatively on behalf of DNT  
ACQUISITION LLC,

Supreme Court No. 82448

District Court No. A-17-751759-B  
Consolidated with A-17-760537-B

**PETITIONERS' MOTION  
TO SEAL PORTIONS OF  
APPENDIX TO PETITION  
FOR EXTRAORDINARY  
WRIT RELIEF**

Electronically Filed  
Feb 05 2021 03:49 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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.

Petitioners<sup>1</sup> hereby move this Court, pursuant to NRAP 27 and Rule 3(1)  
of the SRCR, to maintain under seal the following documents that are included

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<sup>1</sup> “Petitioners” or “Development Entities” refers to Moti Partners, LLC (“Moti”); Moti Partners 16, LLC (“Moti 16”); LLTQ Enterprises, LLC (“LLTQ”); LLTQ Enterprises 16, LLC (“LLTQ 16”); TPOV Enterprises, LLC (“TPOV”); TPOV Enterprises 16, LLC (“TPOV 16”); FERG, LLC (“FERG”); FERG 16, LLC (“FERG 16”); R Squared Global Solutions, LLC (“R Squared”), derivatively on behalf of DNT Acquisition LLC (“DNT”).

1 with the Appendix accompanying their Petition for Extraordinary Writ Relief  
2 (“Petition”), which is being filed concurrently herewith:

- 3 - Tab 86 (contained in Volume 8 of the Appendix), Caesars’ Motion  
4 for Leave To File First Amended Complaint; and *Ex Parte*  
5 Application For Order Shortening Time;
- 6 - Tab 87 (contained in Volume 8 of the Appendix), Appendix in  
7 Support of Caesars’ Motion For Leave To File First Amended  
8 Complaint; and *Ex Parte* Application For Order Shortening Time;
- 9 - Tab 88 (contained in Volume 8 of the Appendix), Opposition to  
10 Caesars’ Motion For Leave To File First Amended Complaint;
- 11 - Tab 89 (contained in Volume 9 of the Appendix), Caesars’ Reply in  
12 Support of Its Motion For Leave To File First Amended Complaint;  
13 and
- 14 - Tab 90 (contained in Volume 9 of the Appendix), Caesars’  
15 Opposition to Rowen Seibel, The Development Entities, and Craig  
16 Green’s Motion to Dismiss Counts IV, V, VI, VII, and VIII of  
17 Caesars’ First Amended Complaint.

18 These documents (the “Proposed Sealed Documents”) were filed and  
19 have been maintained under seal in the district court because they contain  
20 confidential, proprietary, and/or commercially sensitive information related to

1 the parties.<sup>2</sup> Subject to further Order of this Court, they must remain under  
2 seal. SRCR 7.

3 This Motion to Seal is made and based on the record included with the  
4 Petition and the following Memorandum of Points and Authorities.

5 **MEMORANDUM OF POINTS AND AUTHORITIES**

6 “Any person may request that the court seal or redact court records for a  
7 case that is subject to these rules by filing a written motion . . . .” SRCR 3(1).

8 “The court may order the court files and records, or any part thereof, in a civil  
9 action to be sealed or redacted, provided the court makes and enters written  
10 findings that the specific sealing or redaction is justified by identified  
11 compelling privacy or safety interests that outweigh the public interest in  
12 access to the court record.” SRCR 3(4). “The . . . privacy . . . interests that  
13 outweigh the public interest in open court records include findings that: [t]he  
14 sealing or redaction furthers . . . a protective order entered under NRCP 26(c)”;  
15 or [t]he sealing or redaction is justified or required by another identified  
16 compelling circumstance.” SRCR 3(4)(b), (h).

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19 <sup>2</sup> The publicly-filed, redacted versions of the Proposed Sealed Documents  
20 are also included in the Appendix. (4 PA 47; 4 PA 49; 4 PA 50; 4 PA 53; and 5  
PA 65.)

1           Once a motion to seal is pending, “the information to be sealed or  
2 redacted remains confidential for a reasonable period of time until the court  
3 rules on the motion.” SRCR 3(2). Further, in the context of an appeal,  
4 “[c]ourt records sealed in the trial court shall be sealed from public access in  
5 the Nevada Supreme Court subject to further order of that court.” SRCR 7.

6           The Development Entities are concurrently filing their Petition, seeking  
7 review by this Court of an order entered by the district court striking amended  
8 counterclaims filed by the Development Entities in response to an amended  
9 complaint filed by Caesars.<sup>3</sup> Included in the Appendix to their Petition are  
10 pertinent filings, including motion practice related to the issues presented.

11 While redacted copies of certain motions and oppositions were publicly filed,  
12 un-redacted copies were filed under seal because they contained confidential,  
13 proprietary, and/or commercially sensitive information related to the parties  
14 that is not publicly known. Each time a party filed a motion, opposition, or  
15 reply under seal or in redacted form, it also filed a motion to seal or redact,  
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19 <sup>3</sup> “Caesars” refers to Real Parties in Interest PHWLTV, LLC (“Planet  
20 Hollywood”), Desert Palace, Inc. (“Caesars Palace”), Paris Las Vegas  
Operating Company, LLC (“Paris”), and Boardwalk Regency Corporation d/b/a  
Caesars Atlantic City (“CAC”).

1 which was unopposed and which was thereafter granted by the district court.<sup>4</sup>

2 Copies of the Orders granting the various motions to seal or redact are included  
3 in the Appendix.<sup>5</sup> (6 PA 72; 5 PA 62, 4 PA 55.) Those Orders remain in effect  
4 to this day.

5 For these reasons, subject to further Order of this Court, the  
6 Development Entities request that this Motion to Seal be granted and that this  
7 Court maintain the Proposed Sealed Documents under seal.

8 DATED this 5<sup>th</sup> day of February, 2021.

9 BAILEY ♦ KENNEDY

10 By: /s/ John R. Bailey

11 JOHN R. BAILEY

12 DENNIS L. KENNEDY

13 JOSHUA P. GILMORE

14 PAUL C. WILLIAMS

15 STEPHANIE J. GLANTZ

16 *Attorneys for Petitioners 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*

17 <sup>4</sup> The district court entered a Stipulated Confidentiality Agreement and  
18 Protective Order governing the use and disclosure of confidential and highly  
confidential information. (2 PA 37.)

19 <sup>5</sup> In preparing the Appendix, the Development Entities discovered that  
20 formal Orders granting certain motions to seal and redact were not entered by  
the district court. As a result, the minute orders associated with those motions  
to seal and redact are included in the Appendix. (4 PA 55.)

**CERTIFICATE OF SERVICE**

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 5<sup>th</sup> day of February, 2021, service of the foregoing was made by electronic service through Nevada Supreme Court's electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

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Las Vegas, NV 89101	<i>Operating Company, LLC; PHWLV,</i>
	<i>LLC; and Boardwalk Regency</i>
	<i>Corporation</i>

<b>HON. TIMOTHY C. WILLIAMS</b>	Email:
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Las Vegas, NV 89155	<i>Respondents</i>

/s/ Sharon Murnane  
Employee of BAILEY ♦ KENNEDY