

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

Case No. 83600-COA
District Court Case No. A-18-772761-C

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VENETIAN CASINO RESORT, LLC, a Nevada limited liability company,
LAS VEGAS SANDS, LLC, a Nevada limited liability company,
Petitioners,

v.

EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN
AND FOR THE COUNTY OF CLARK, AND THE HONORABLE KATHLEEN
DELANEY in her capacity as District Judge,
Respondent,
JOYCE SEKERA, an individual,
Real Party in Interest

PETITIONERS' PETITION FOR REHEARING

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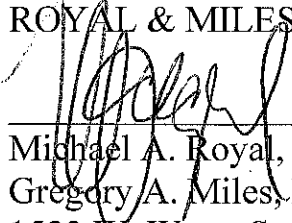
NRAP 26.1 DISCLOSURE

The undersigned counsel of record certifies that the following are entities as described in NRAP 26.1(a) and must be disclosed. These representations are made in order that the Justices of this Honorable Court may evaluate possible disqualification or recusal.

1. Petitioner Venetian Casino Resort, LLC, is a Nevada limited liability company.
2. Petitioner Las Vegas Sands, LLC, a Nevada limited liability company.
3. Royal & Miles LLP has appeared on behalf of the Petitioners in this matter.

DATED this 7 day of April 2022.

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I. ISSUES PRESENTED FOR REHEARING

Petitioner hereby asserts that the following material facts were overlooked or misapprehended by the appellate court:

- A. IMPORTANT PROCEDURAL FACTS ABOUT SHARING OF GUEST INCIDENT REPORTS WHILE VENETIAN'S MOTION FOR PROTECTIVE ORDER WAS PENDING ARE CRITICAL TO VENETIAN'S POSITION AND WERE OMITTED FROM PAGE 2 OF THE ORDER.**
- B. THE ORDER OVERLOOKS THE FACT THAT SEKERA PRESENTLY HAS UNREDACTED INFORMATION THE DISTRICT COURT DEEMS PROTECTED UNDER NRCP 26(c) AND WILL BE ABLE TO CONNECT THAT INFORMATION TO INDIVIDUALS RENDERING THE PROTECTION PROVIDED ILLUSORY.**
- C. THE ORDER INCORRECTLY ASSERTS THAT VENETIAN DID NOT ARGUE IN ITS WRIT PETITION THAT THE DISTRICT COURT PROTECTION UNDER NRCP 26(c) SHOULD HAVE INCLUDED THE PRECLUSION OF SEKERA FROM SHARING INFORMATION OUTSIDE THE LITIGATION.**
- D. THE ORDER INCORRECTLY ASSERTS THAT VENETIAN DID NOT ADVISE THE DISTRICT COURT THAT ITS REPORTING SECURITY OFFICERS ARE EMTs.**
- E. THE MARCH 23, 2022, ORDER MISAPPREHENDS THAT UNDER THE PARTICULAR CIRCUMSTANCES OF THIS CASE, THE DISTRICT COURT'S RULING CONSTITUTES AN ABUSE OF DISCRETION.**

II. INTRODUCTION

Petitioners VENETIAN CASINO RESORT, LLC, and LAS VEGAS SANDS, LLC, (collective "Venetian"), move this Honorable Court to grant rehearing of this matter under NRAP 40 to address certain material points of law

and fact that Venetian respectfully submits the Court “overlooked or misapprehended.” NRAP 40(a)(2).

In its Order of March 23, 2022, this Court appears to have overlooked the material facts set forth in Petitioner’s papers that Sekera presently has in her possession, and has shared with others outside the litigation since March 2019, prior incident reports where only the contact information of Venetian guests have been redacted. Many of these reports have been published by recipient counsel in unrelated litigation. Once reports are produced with unredacted guest contact information, Sekera will have in her possession unredacted information that the District Court found to be protected under NRCP 26(c) (such as, for example, health history information). Furthermore, since the District Court’s order of September 7, 2021, does not prohibit Sekera from sharing the unredacted reports outside the litigation, as she has previously done, the protection provided is meaningless.

Contrary to the statement in Footnote 7 of the Court’s Order of March 23, 2022, Venetian did, in fact, move the District Court to enter an order of protection to include prohibiting Sekera from sharing personal contact information of Venetian guests involved in prior incidents outside the litigation. Also contrary to the same footnote, Venetian included this plea in its writ petition to this Honorable Court. This should have been addressed by the District Court, especially

considering Sekera's informal pledge to not do what she has previously done on multiple occasions. The same counsel for Sekera who shared the information previously while a motion for protective order was pending before the Discovery Commissioner and continued to do so thereafter remains counsel of record, having associated in Sekera's present counsel. Therefore, the fact that "Sekera expressly represented to the court that she would not" share guest information with persons outside the litigation fails to provide Venetian with the protection to which the District Court determined it is entitled.

Venetian respectfully submits that failure to resolve these outstanding issues amounts to an abuse of discretion by the District Court below and that the necessary protections should be provided with appropriate direction from this Court. This is especially egregious in light of the Nevada Supreme Court's decision in *Eldorado Club, Inc. v. Graff*, 78 Nev. 507, 377 P.2d 174 (1962), which expressly held that evidence of prior incidents in cases involving transient temporary conditions, such as a foreign substance on a floor, is not admissible to establish notice in a negligence action. Thus, there is no reasonable purpose for disclosure of this personal, private contact information with virtually no protection under NRCP 26(c), thereby allowing Sekera to once again share as she desires.

III. LEGAL ARGUMENT

A. IMPORTANT PROCEDURAL FACTS ABOUT SHARING OF GUEST INCIDENT REPORTS WHILE VENETIAN'S MOTION FOR PROTECTIVE ORDER WAS PENDING ARE CRITICAL TO VENETIAN'S POSITION AND WERE OMITTED FROM PAGE 2 OF THE ORDER.

In its March 23, 2022 Order, the Court of Appeals provided a summary of the procedural history related to the Discovery Commissioner's recommendation at the March 13, 2019 hearing on Venetian's motion for protective order, wherein the court "recommended that Sekera be ordered not to share the incident reports with anyone 'not directly affiliated with [her] litigation.'"¹ Missing from this given history is the fact that Sekera shared the redacted prior incident reports as the motion for protection was pending and those reports were attached to a motion filed in the district court in an unrelated litigation.² In fact, Sekera shared these documents outside the litigation on multiple occasions thereafter. Accordingly, Sekera created a situation where information deemed protected by the District Court in the September 7, 2021, Order is now part of the public record, and now

¹ See, *Order Denying Petition for Writ of Mandamus Or, in the Alternative, Writ of Prohibition* (filed March 23, 2022) at 2.

² See Venetian Appendix, Vol. 1, Appendix, Vol. 1, Tab 10, VEN 084-085, *Declaration of Peter Goldstein, Esq.* (dated February 13, 2019) at VEN 084, ln 21-25, prior incident reports were produced to Mr. Goldstein by Sekera's counsel on February 7, 2019; Tab 12, VEN 140-85, *Sekera's Reply to Defendant Venetian Casino Resort, LLC's Opposition to Sekera's Motion for Terminating Sanctions, in the matter of Smith v. Venetian, case no. A-17-753362-C* (filed March 12, 2019), at VEN 141, ln 15-26, VEN 147, ln 12-13, VEN 173; Tab 13 at VEN 186-200; compare *id.*, Tab 11 at VEN 084-85, Tab 12 at VEN 140-85.

that information can be attached to a person with contact information. The District Court was aware of this circumstance during the May 14, 2019, hearing on this issue, stating the following (after noting that Sekera provided prior incident reports to attorneys after the motion for protection was filed): “And I think the easier call for me would be to say: The Plaintiff gets everything, but they keep it to themselves. But really at the end of the day, I can’t find any legal basis to make that ruling.”³

It is critical to factually note that Sekera disseminated the subject prior incident reports to counsel outside the litigation while the February 1, 2019, motion for protection was pending before the Discovery Commissioner and while Sekera’s Objection to the Discovery Commissioner’s Report and Recommendation of April 4, 2019, was pending before the District Court is critical here, as there remains an unresolved issue of how to remedy this public disclosure of private information by Sekera.

B. THE ORDER OVERLOOKS THE FACT THAT SEKERA PRESENTLY HAS UNREDACTED INFORMATION THE DISTRICT COURT DEEMS PROTECTED UNDER NRCP 26(c).

The Order of March 23, 2022, leaves Venetian in the position of having to collectively provide Sekera with unredacted reports, determining for all intents and

³ See Venetian Appendix, Vol. 2, Tab 15 at VEN 252:22-25; 253:1-6. See also, *Order Denying Petition for Writ of Mandamus Or, in the Alternative, Writ of Prohibition* (filed March 23, 2022) at 2.

purposes that there are no privacy rights for persons involved in guest incidents unrelated to a litigated matter such as we have here. As previously noted, Sekera distributed copies of the subject prior incident reports to multiple law firms unrelated to the litigation while the issue of protection under NRCP 26(c) was pending. While the District Court was aware of this circumstance, its Order of September 7, 2021, does not acknowledge the issue or attempt to address it by placing any kind of restrictions upon Sekera from both using and sharing information the District Court deems to be protected (including but not limited to protected health related information obtained by Venetian's responding EMT security officers – which information is in Sekera's possession presently in unredacted form).

The March 23, 2022 Order of this Honorable Court recognizes the following: “The district court also found good cause for a protective order and ordered Venetian to redact the social security numbers, drivers’ license numbers, and ‘private health information’ included in the incident reports.”⁴ This portion of the March 23, 2022 Order fails to acknowledge procedurally that Venetian raised its concern with the District Court that Sekera would both use and share information now deemed protected (*i.e.* protected health information), which is an important element of Venetian's writ petition.

⁴ See *Order Denying Petition for Writ of Mandamus Or, in the Alternative, Writ of Prohibition* (filed March 23, 2022) at 3.

The record before this court reflected the following from the June 1, 2021, hearing before the District Court, when Venetian reminded it of Sekera's initial position that she has an unbridled right to obtain and share all guest history information she obtains during this litigation:

*In bringing it back before the Court today in there (sic) initial filing and/or reply they [Sekera] did not address that . . . alleged right, . . . which is an indicator that the Plaintiff concedes that there is no right by any legitimate purpose for the Plaintiff to have unredacted information in prior reports and share them however they like with people out of litigation as they did in the history of the case. ...*⁵

Venetian further reminded the District Judge at the June 1, 2021, hearing "that information that you have now ordered redacted is already out there, not only in this case, but [in] other cases. How do we address that?"⁶ The District Court responded in part: "I don't know what happened or hasn't happened in that regard, I don't know how to do or undo anything, just what I'm saying is, I've made the ruling I needed to make, I believe it's appropriate under the case law and the direction given from our Court of Appeals."⁷

As noted above, while this Honorable Court notes that "Sekera represented to the district court that she would not" share prior incident reports as she has

⁵ See Venetian Appendix, Vol. 15, Tab 93 at VEN 3517:18-25.

⁶ See Venetian Appendix, Vol. 16, Tab 93 at VEN 3534:23-25; 3535:1-3.

⁷ See *id.* at VEN 3535:15-29.

liberally done throughout this litigation, the same counsel who did the sharing while the motion for protection was pending remains counsel of record.⁸

Venetian further asserts the March 23, 2022, Order mistakenly states that “the Venetian did not ask the district court to order Sekera not to share the incident reports with outside individuals.”⁹ The record before this court showed that in the June 1, 2021, hearing, Venetian argued as follows:

*And in the end, Your Honor, they have to acknowledge [that] there [are] privacy interests involved that we've shown good cause to a minimum they should not have this information to be able to share it outside this at a minimum, but it's our position **the discovery commissioner had it right the first time**, which was to redact the information that would connect individuals with the facts of these particular prior incident reports, and that this would be protected under 26(d), **would not be -- only be used for purposes of this particular litigation**, and if the Plaintiff felt that there was a particular prior incident report that was relevant with similar facts and circumstances in the same location, that then counsel could meet and determine whether or not there should be a disclosure of that particular information.*¹⁰

Venetian argued below and before this Honorable Court that the incident reports at issue are worthy of NRCP 26(c) protection and should not be shared with anyone outside the litigation. This is especially the case where the contact information for these private individuals is provided to Sekera when she now has

⁸ See *Order Denying Petition for Writ of Mandamus Or, in the Alternative, Writ of Prohibition* (filed March 23, 2022) at 8-9, note 7.

⁹ *Id.* at 9, note. 7.

¹⁰ See *id.* See also, Venetian Appendix, Vol. 15, Tab 93 at VEN 3520:22-25; 3521:1-12 (emphasis added).

unredacted health related information easily married to the contact information.

Respectfully, Venetian cannot rely on the “scout’s honor” of Sekera counsel, as the March 23, 2022, Order suggests.¹¹

Venetian respectfully submits that this Honorable Court should remand this to the District Court with instructions that Sekera be ordered to return all prior incident reports (with unredacted protected information) and request their return from any attorneys to which they were provided in the course of this litigation, with an affidavit of compliance filed with the District Court, so that Sekera has one set of properly redacted reports as per the District Court’s September 7, 2021 Order to be used only for the purposes of this litigation. The Order of March 23, 2022 essentially opens the floodgates for the personal information of any persons involved in other incident reports to be broadly disseminated without restraint.

C. THE ORDER MISTAKENLY ASSERTS THAT VENETIAN DID NOT ARGUE IN ITS WRIT PETITION THAT THE DISTRICT COURT PROTECTION UNDER NRCP 26(c) SHOULD HAVE INCLUDED THE PRECLUSION OF SEKERA FROM SHARING INFORMATION OUTSIDE THE LITIGATION.

The March 23, 2022 Order incorrectly suggests that Venetian failed to argue in its writ petition that the District Court should have precluded Sekera from

¹¹ See Venetian Appendix, Vol. 16, Tab 93 at VEN 3598.

sharing Venetian guest incident reports with others outside the litigation.¹² In its Writ Petition filed October 11, 2021, Venetian highlighted the issue noting that Sekera circulated the subject prior incident reports to others outside the litigation and the District Court failed to consider the impact of Sekera receiving and sharing the same reports with Venetian guest contact information.¹³ Venetian argued in its petition: “Now that Sekera has the information and has freely shared [it] with the District Court’s blessing, it is impossible to put the proverbial genie back in the bottle or to otherwise un-ring the bell.”¹⁴ Venetian argued here that the September 7, 2021 order, “which acknowledges Venetian’s right to protection under NRCP 26(c) and even a limited right to privacy by Venetian guests, fall[s] short of providing the kind of protection required by Nevada law.”¹⁵

¹² See *Order Denying Petition for Writ of Mandamus Or, in the Alternative, Writ of Prohibition* (filed March 23, 2022) at 9, note 7.

¹³ See *Petitioners’ Emergency Petition for Writ of Mandamus and/or Writ of Prohibition Under NRAP Rules 21(a)(6) and 27(e)* at H, paragraph 10; see also *id.* at 7 (noting that the District Court is requiring Venetian to produce guest contact information “without requested protection under NRCP 26(c) to prevent Sekera from sharing private information as she has previously done with the District Court’s approval”), 12 (noting that Sekera has previously shared guest incident reports “with the District Court’s blessing”); 21 (Venetian arguing that allowing Sekera to share guest contact information and reports outside the litigation is an invasion of privacy); 24 (“Sekera also argued she has an unqualified right to share the guests’ private information with anyone she desires – Judge Delaney agreed”).

¹⁴ *Id.* at 25.

¹⁵ *Id.* at 44.

Under the Petition section entitled “Relief Sought”, Venetian moved this Honorable Court in part as follows: “Vacate the September 7, 2021, order directing Petitioners to produce prior incident reports to Sekera without necessary protections requested under NRCP, Rule 26(c).”¹⁶ Venetian further argued here as follows:

The Discovery Commissioner had it right in the Discovery Commissioner’s Report and Recommendation of April 4, 2019, observing that the information sought by Sekera “presents a privacy issue as it pertains to the identity of prior Venetian guests ...,” that the personal information of Venetian guests is “to be protected under an NRCP 26(c) order, not to be shared with anyone who is not directly affiliated with the litigation...”
...

*Venetian respectfully submits that the District Court abused its discretion in failing to recognize a privacy right regarding the personal contact information of Venetian guests involved in prior incidents, that the District Court erred in failing to recognize and address the fact that Sekera already has three (3) years of prior incident reports with information the District Court has now determined must be protected, which information Sekera has widely distributed among other members of the Nevada bar (who have published these reports in unrelated litigation on multiple occasions), and that the District Court abused its discretion in failing to adopt the recommendations presented in the Discovery Commissioner’s Report and Recommendations of April 4, 2019, which appropriately addressed and balanced the privacy issues involved under NRCP 26(b)(1).*¹⁷

Accordingly, Venetian did address the issue of the District Court’s failure to provide necessary NRCP 26(c) protection by ordering Sekera to use the

¹⁶ *Id.* at 8.

¹⁷ See Reply to Real Party in Interest’s Answer to Petition for Writ of Mandamus and/or Prohibition at 27-29.

information only within this litigation and moves for rehearing from this Honorable Court to the extent its decision was in any way predicated on this misapprehension of petitioner's arguments.

D. THE ORDER INCORRECTLY ASSERTS THAT VENETIAN DID NOT ADVISE THE DISTRICT COURT THAT ITS REPORTING SECURITY OFFICERS ARE EMTs.

The March 23, 2022, Order incorrectly provides that “Venetian **never** claimed below that its own employees were EMTs.”¹⁸ At the May 14, 2019, hearing before the District Court on Plaintiff's objection to the Discovery Commissioner's Report and Recommendation of April 4, 2019, Venetian advised the District Court: “We have EMTs that respond to these ... events. They get medical history information from these people. They ... do whatever assessments that they do and take statements from these people about what was hurt and so forth. And this information ... deserve[s] some protection.”¹⁹ Indeed, in the deposition of Joseph Larson, who responded to Sekera's incident, which was attached to multiple court filings below related to this issue, the witness testified that he was an “EMT security officer” during his employment with Venetian where he would “respond to any medical incidents or any serious incidents that occurred

¹⁸ See *Order Denying Petition for Writ of Mandamus Or, in the Alternative, Writ of Prohibition* (filed March 23, 2022) at 9-10 (emphasis added).

¹⁹ See Venetian Appendix, Vol. 1, Tab 15 at VEN 234:24-25; 235:1-5.

on the property.”²⁰ In the June 1, 2021 hearing, Venetian advised the District Court that Venetian “provides EMT assistance” worthy of NRCP 26(c) protection.²¹

There is no evidence in the record that outside/third-party responding emergency service personnel record any information on Venetian guest incident reports, as suggested at pages 9-10 of the March 23, 2022 Order.

To the extent the March 23, 2022, Order is based upon the assumption that Venetian did not advise the court below that it employs EMTs who respond to incidents and prepare report, Venetian moves for rehearing.

E. THE MARCH 23, 2022, ORDER MISAPPREHENDS THAT UNDER THE PARTICULAR CIRCUMSTANCES OF THIS CASE, THE DISTRICT COURT’S RULING CONSTITUTES AN ABUSE OF DISCRETION.

The March 23, 2022, Order misapprehends the District Court’s abuse of discretion in its application of NRCP 26(b)(1) under the circumstances of this case in accordance with *Venetian Casino Resort, LLC v. Eighth Judicial Dist. Court*, 136 Nev. 221, 467 P.3d 1 (Nev. App. 2020). Specifically, there are two competing interests here: (1) Plaintiff’s right to obtain information within the permissible scope of discovery and (2) Venetian guests’ right to privacy.

In *Eldorado Club, Inc.*, the plaintiff slipped on a leaf of lettuce that had fallen onto a loading ramp (a temporary condition) while unloading sacks of

²⁰ See Venetian Appendix, Vol. 1, Tab at 105 (5:17; 5:21-25); *see also id.* at VEN 107 (14:23-25; 15:1); VEN 111 (28:16-25); 112 (32:14-25; 33:1-5).

²¹ See Venetian Appendix, Vol. 15, Tab 93 at VEN 3520:6-16.

potatoes. During trial, a witness was permitted to testify regarding two prior slip-and-fall incidents on the same loading ramp; one caused by “a smear or wet spot” and the second caused by a “lettuce leaf or some green leafy vegetable.” (See *Eldorado Club, Inc.*, supra, 78 Nev. at 509, 377 P.2d at 175.) The Supreme Court of Nevada unambiguously held that evidence of prior incidents are inadmissible when the *instrumentality* of the fall is from a temporary condition acting upon a permanent condition, stating that “[s]ome cases may be read as permitting evidence of prior slips and falls, even absent a showing that the conditions surrounding the prior occurrences continued and persisted. We consider the opposite view to be preferable.” (*Id.*) The court in *Eldorado Club, Inc.* ultimately ruled as follows:

the existence of a wet spot and a lettuce leaf on the ramp on separate occasions in November of 1958 and the consequent slips and falls could not serve to notify the defendant of the presence of the lettuce leaf in question which caused Graff to slip and fall on January 3, 1959 ... We hold, therefore, that where a slip and fall is caused by the temporary presence of debris or foreign substance on a surface, which is not shown to be continuing, it is error to receive ‘notice evidence’ of the type here involved for the purpose of establishing the defendant's duty.

(*Id.* [emphasis added])

The parallels between *Eldorado Club, Inc.* and the Sekera incident are critical, because Sekera claims that she slipped and fell due to a temporary transient condition (clear liquid) allegedly introduced to a permanent condition (the

Venetian floor). Similar to *Eldorado Club, Inc.*, there is no positive evidence to explain the presence of a foreign substance on the floor. In addition, there is no positive evidence to identify the source of any liquid spill, nor is there evidence that Venetian had actual or constructive knowledge of the spill.

In its March 23, 2022 Order, this Court recognized that the District Court determined that evidence of prior incidents is “‘relevant to [the] Venetian’s affirmative defense of comparative negligence’ and to Sekera’s claim for punitive damages.”²² In other words, the District Court determined that Sekera is entitled to this evidence to demonstrate notice, which is inappropriate under *Eldorado Club, Inc.* Sekera has never demonstrated how prior incident reports will assist in her defense of a comparative negligence affirmative defense. It is a ruse manufactured by Sekera to bypass *Eldorado Club, Inc.* Further, a claim of punitive damages in a slip-and-fall accident from a temporary transient condition such as this does not circumvent the holding of *Eldorado Club, Inc.* Therefore, the March 23, 2022 order misapprehends the significance of *Eldorado Club, Inc.* and its mandate for the production of prior incident reports under the Sekera facts is inappropriate.

Unfortunately, the problem here is compounded by the District Court’s failure to provide any meaningful protection of private guest information. Permitting this kind of discovery invites error at trial with district courts routinely

²² See, *Order Denying Petition for Writ of Mandamus Or, in the Alternative, Writ of Prohibition* (filed March 23, 2022) at 8.

admitting evidence of prior incidents in cases such as this to prove notice. Under *Eldorado Club, Inc.*, it is not admissible at trial and is therefore not relevant under NRCP 26(b)(1). Allowing this kind of discovery on these facts, even with the limited protection provided under NRCP 26(c), is error and amounts to an abuse of discretion.

The Nevada Supreme Court has acknowledged the existence of a nontrivial privacy interest in records such as those at issue here. (See *Venetian Casino Resort, LLC v. Eighth Judicial Dist. Court*, 136 Nev. at 228, 467 P.3d at 7, note 12 [citing *Clark Cty. Office of the Coroner v. Las Vegas Review-Journal*, 136 Nev. 44, 56, 458 P.3d 1048, 1057–1058 (2020)]). As noted above, the District Court agreed that there is, in fact, a nontrivial privacy interest in the prior incident reports. Regardless, these documents were ordered to be produced virtually without NRCP 26(c) protection. Respectfully, Venetian submits that amounts to an abuse of discretion.

IV. CONCLUSION

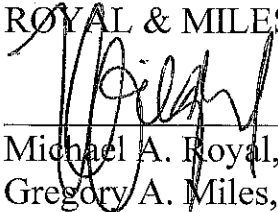
In summary, Venetian petitions this Honorable Court to grant rehearing under NRAP 40 to reconsider the issues in light of the material facts set forth above that appear to have been overlooked or misapprehended by this Honorable Court. Venetian respectfully requests that the writ be granted and the matter remanded to the District Court to address the issues related to Venetian's inability

to comply where Sekera already has in her possession the information the District Court deems protected, which she has also shared with others outside the litigation. Venetian further moves this Court to remand with instructions for the District Court to resolve the outstanding issues related to sharing private guest information outside the litigation. Venetian respectfully submits that there are presently nontrivial privacy interests involved worthy of protection. (See Venetian Casino Resort, LLC v. Eighth Judicial Dist. Court, supra). The fact that this information is deemed inadmissible under *Eldorado Club, Inc., supra*, in these given circumstances renders the District Court's decision all the more egregious.

Accordingly, Venetian respectfully moves for rehearing of this petition under NRAP 40.

DATED this 7 day of April 2022.

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CERTIFICATE OF COMPLIANCE
(NRAP Rule 40(b))

STATE OF NEVADA }
COUNTY OF CLARK } ss:

1. I, Michael A. Royal, hereby certify that this petition for rehearing complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type-style requirements of NRAP 32(a)(6) because:

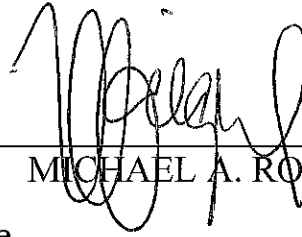
It has been prepared in a proportionally spaced typeface using the latest version of Microsoft Word through the Microsoft 365 subscription in Times New Roman 14-point font.

2. I further certify that this brief complies with the page- or type-volume limitations of NRAP 40 because it is:

Proportionately spaced, has a typeface of 14 points or more, and contains 4,117 words, which is less than the limit of 4,667 set forth in NRAP Rule 40(b)(3).

3. Finally, I hereby certify that I have read this Petition for Rehearing, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions if the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

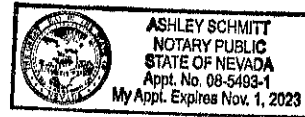
Further affiant sayeth naught.



MICHAEL A. ROYAL, ESQ.

SUBSCRIBED AND SWORN to before
me by Michael A. Royal, Esq., on this
7th day of April 2022.


NOTARY PUBLIC in and for said
County and State



CERTIFICATE OF SERVICE

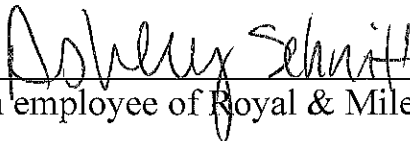
I hereby certify that I am an employee of the law firm of Royal & Miles LLP, attorneys for Petitioners, VENETIAN CASINO RESORT, LLC and LAS VEGAS SANDS, LLC, and that on the 7th day of April, 2022, I served true and correct copy of the foregoing **PETITIONERS' PETITION FOR REHEARING**, by delivering the same via the Court's CM/ECF system which will send notification to the following:

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and

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