

CASE NO.

IN THE SUPREME COURT OF NEVADA

Electronically Filed
Nov 05 2021 09:07 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

ROWEN SEIBEL; 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; R SQUARED GLOBAL SOLUTIONS, LLC, DERIVATIVELY ON BEHALF OF DNT ACQUISITION LLC; GR BURGR, LLC; AND CRAIG GREEN,

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' EMERGENCY MOTION FOR A
STAY OF DISTRICT COURT PROCEEDINGS**

EMERGENCY MOTION UNDER NRAP 27(e)

RELIEF REQUESTED BY NOVEMBER 10, 2021

JOHN R. BAILEY
Nevada Bar No. 0137

DENNIS L. KENNEDY
Nevada Bar No. 1462

JOSHUA P. GILMORE
Nevada Bar No. 11576

PAUL C. WILLIAMS
Nevada Bar No. 12524

BAILEY ❖ KENNEDY
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148-1302
Telephone: (702) 562-8820
Facsimile: (702) 562-8821
jbailey@baileykennedy.com
dkennedy@baileykennedy.com
jgilmore@baileykennedy.com
pwilliams@baileykennedy.com

Attorneys for Petitioners

EMERGENCY MOTION UNDER NRAP 27(e)

Pursuant to NRAP 8 and NRAP 27, Petitioners¹ respectfully move (the “Motion”) this Court, on an emergency basis, for an Order staying district court proceedings pending this Court’s review and disposition of their Petition for Extraordinary Writ Relief filed contemporaneously herewith (the “Writ Petition”). Emergency relief is warranted because the district court’s Findings of Fact, Conclusions of Law, and Order Granting Caesars’ Motion to Compel Documents Withheld on the Basis of Attorney-Client Privilege Pursuant to the Crime-Fraud Exception, entered on October 8, 2021 (the “Supplemental Order”), commands the Petitioners to disclose attorney-client privileged communications to the opposing parties in this case on or before **November 11, 2021**. Absent a stay being entered on or before **November 10, 2021** (November 11, 2021, is a non-judicial day—Veteran’s Day), the object of the Writ Petition will be defeated. A stay has also been requested below; the district court set a hearing on the motion for stay for November 10, 2021. Given time constraints arising from the Supplemental Order, this Motion is also being filed with this Court.

¹ “Petitioners” or “Development Parties” refers to Rowen Seibel (“Seibel”), Craig Green (“Green”), and the “Development Entities,” *i.e.*, 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”); and GR Burgr, LLC (“GRB”).

This Motion is made and based on the record included with the Writ Petition, the exhibits hereto, and the following Memorandum of Points and Authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This Court should stay the district court proceedings pending this Court's resolution of the Writ Petition. As detailed below, this Court analyzes four factors in determining whether to issue a stay. All four factors support the entry of a stay.

First, and most importantly, the object of the Writ Petition will be defeated if a stay is not entered by November 10, 2021 (November 11, 2021, is a non-judicial day—Veteran's Day), because the Petitioners will be forced to disclose privileged communications to the opposing parties that are the subject of the Writ Petition. Further, absent a stay, summary judgment motions will be heard without the Petitioners having an opportunity to: (i) vacate the district court's erroneous (and gratuitous) findings—on a discovery motion—that go to the ultimate merits of this case; and (ii) fully claw back privileged communications that were disclosed by the district court before the Petitioners could seek appellate review.

Second, the Petitioners will suffer irreparable injury if a stay is not entered because the bell of compelled disclosure of privileged communications cannot be un-rung.

Third, Caesars² will suffer little to no harm if the proceedings are stayed—mere delay is not substantial or irreparable harm as a matter of law.

Finally, the Petitioners are likely to prevail on the merits of their Writ Petition because (i) Caesars failed to meet its burden to pierce the attorney-client privilege; (ii) the district court’s decision is based on findings that are not supported by substantial evidence; and (iii) the district court misapplied the law.

In sum, this Court should enter a stay until it decides the Writ Petition.

II. RELEVANT PROCEDURAL HISTORY³

A. The District Court Grants Caesars’ Motion to Compel Production of the Petitioners’ Privileged Communications with Their Attorneys Based on the Crime-Fraud Exception.

On January 6, 2021, Caesars moved to compel attorney-client privileged communications based on the crime-fraud exception (the “Motion to Compel”). (7 PA 1341-60.) The district court granted the Motion to Compel and, on June 8, 2021, ordered (the “Initial Order”) the Petitioners to submit privileged communications for *in camera* review. (5 PA 970-79.)

² “Caesars” refers to PHWLTV, 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 (“CAC”).

³ A recitation of the facts relevant to these proceedings is contained in the Writ Petition and, in the interests of brevity, is incorporated herein by reference.

B. This Court Denies the Initial Writ Petition Without Prejudice.

On June 16, 2021, the Petitioners sought writ relief from this Court challenging the Initial Order (the “Initial Writ Petition”), together with a request for an emergency stay. (5 AP 1078-93; 17 PA 3433-80.) On June 18, 2021, this Court denied the Initial Writ Petition (and related stay request) as premature because the district court had not yet conducted its *in camera* review. (5 PA 1094-96.) The ruling was “without prejudice to petitioner’s ability to seek writ relief in the event [Seibel] is ordered to disclose the subject documents.” (*Id.*)

C. The *In Camera* Review and the Minute Order.

On June 18, 2021, the Petitioners submitted the privileged communications for *in camera* review. (5 PA 1097-1100.) On August 19, 2021, the district court issued a minute order (the “Minute Order”) setting forth its decision. (17 PA 3481-82.) The district court identified *three* of the nearly 200 communications as the basis for finding that *all* of the communications are discoverable. (*Id.*)

However, instead of referencing the documents that formed the basis of its decision, *the district court quoted them, disclosing their contents to the parties in this case* without affording the Petitioners an opportunity to seek appellate review. (*Id.*) Petitioners sought to claw back the Minute Order, but the district court agreed only to limit its use.⁴ (5 PA 1103-18; 6 PA 1320-28.)

⁴ The Petitioners intend to address use of the Minute Order in a separate motion.

D. The Motions for Summary Judgment.

Currently, a hearing on Caesars' (and Defendant Gordon Ramsay's) motions for summary judgment is set for December 6, 2021. As detailed in the Writ Petition, the district court abused its discretion by making numerous factual findings in the Initial and Supplemental Orders that were not supported by substantial evidence and, remarkably, were completely unnecessary to deciding the Motion to Compel. (Writ Petition at 19-25, 31-33.) These improper (and gratuitous) findings bear upon the ultimate merits of this case and are addressed in the motions for summary judgment (16 PA 3281-306; 17 PA 3307-432), which have not yet been fully briefed, let alone heard and decided.

E. The District Court Will Hear A Motion for Stay on November 10, 2021.

On November 3, 2021, the Petitioners submitted a motion to stay to the district court, requesting that it be heard on shortened time given that the district court gave the Petitioners only *fourteen (14) days* to comply with the Supplemental Order. (Ex. 1, Motion to Stay.) The district court set the motion to stay for hearing on November 10, 2021, at 10:00 AM. (*Id.* at 6.) Given the deadline for compliance under the Supplemental Order (November 11, 2021, which is a non-judicial day—Veteran's Day), the Petitioners are also seeking a stay from this Court.

III. ARGUMENT

A. Standard of Decision.

In deciding whether to issue a stay pending review of a writ petition, this Court evaluates: “(1) whether the object of the appeal or writ petition will be defeated if the stay or injunction is denied; (2) whether appellant/petitioner will suffer irreparable or serious injury if the stay or injunction is denied; (3) whether respondent/real party in interest will suffer irreparable or serious injury if the stay or injunction is granted; and (4) whether appellant/petitioner is likely to prevail on the merits in the appeal or writ petition.” NRAP 8(c); *Mikohn Gaming Corp. v. McCrea*, 120 Nev. 248, 251, 89 P.3d 36, 38 (2004). “[I]f one or two factors are especially strong, they may counterbalance other weak factors.” *Mikohn Gaming Corp.*, 120 Nev. at 251, 89 P.3d at 38.

B. This Court Should Enter a Stay Pending the Outcome of the Writ Petition.

1. The Object of the Writ Petition Will Be Defeated Unless a Stay is Entered.

Where the object of a writ petition will be defeated unless a stay is entered, “a stay is generally warranted.” *Mikohn Gaming Corp.*, 120 Nev. at 253, 89 P.3d at 40.

Here, without a stay, the Petitioners will be forced to disclose privileged communications to the opposing parties before this Court considers the Writ

Petition. This would defeat the object of the Writ Petition because, as this Court has explained, “the assertedly privileged information would irretrievably lose its confidential and privileged quality and petitioners would have no effective remedy, even by a later appeal.” *Wardleigh v. Second Jud. Dist. Ct.*, 111 Nev. 345, 350-51, 891 P.2d 1180, 1183-84 (1995); *accord Cotter v. Eighth Jud. Dist. Ct.*, 134 Nev. 235, 249, 416 P.3d 228, 231 (2018); *Las Vegas Sands Corp. v. Eighth Jud. Dist. Ct.*, 130 Nev. 118, 122, 319 P.3d 618, 621 (2014); *Valley Health Sys., LLC v. Eighth Jud. Dist. Ct.*, 127 Nev. 167, 171-72, 252 P.3d 676, 679 (2011).

Additionally, if the proceedings are not stayed, the motions for summary judgment will be heard and decided without the Petitioners having the opportunity to: (i) vacate the district court’s erroneous (and gratuitous) findings that go to the ultimate merits of this case; and (ii) fully claw back the privileged communications that were disclosed by the district court to the opposing parties before the Petitioners could seek appellate review. *See, e.g., In re GMC*, 153 F.3d 714, 717 (8th Cir. 1998); *Haines v. Liggett Grp., Inc.*, 975 F.2d 81, 97 (3d Cir. 1992); *Walanpatrias Found. v. AMP Servs.*, 964 So. 2d 903, 905 (Fla. Dist. Ct. App. 2007); *accord In re Grand Jury Subpoena*, 190 F.3d 375, 388 (5th Cir. 1999). Thus, absent a stay, another object of the Writ Petition would be defeated.

Accordingly, the first factor weighs ***heavily*** in favor of a stay.

2. *The Petitioners Will Suffer Irreparable Injury if a Stay is Not Entered Pending the Outcome of their Writ Petition; Conversely, the Opposing Parties Will Suffer No Harm.*

“[I]n certain cases, a party may face actual irreparable harm, and in such cases the likelihood of irreparable harm should be considered in the stay analysis.” *Mikohn Gaming Corp.*, 120 Nev. at 253, 89 P.3d at 39.

As this Court has held, the “resulting prejudice” from disclosure of privileged communications prior to appellate review would “not only be irreparable, but of a magnitude that could require the imposition of such drastic remedies as dismissal with prejudice or other similar sanctions.” *Cotter*, 134 Nev. 235, 249, 416 P.3d at 231. Conversely, when “the only cognizant harm threatened to the parties is increased litigation costs and delay,” they do not face any irreparable harm. *Mikohn Gaming Corp.*, 120 Nev. at 253, 89 P.3d at 39.

Here, Petitioners will suffer irreparable injury if a stay is not entered, whereas Caesars (and the other parties) will not. Specifically, compelled disclosure of privileged communications results in a prejudice that is irreparable and cannot be restored. If a stay is not entered and the Petitioners ultimately prevail before this Court on their Writ Petition, their victory will be hollow—the opposing parties will already have possession of their privileged communications.

Conversely, Caesars (and the other parties) will not suffer irreparable or serious harm if this Court grants a stay. As shown above, mere delay does not constitute irreparable harm. *See id.*

Accordingly, the second and third factors weigh in favor of a stay.

3. Petitioners Are Likely to Prevail on the Merits.

Under the fourth factor, the party opposing the stay “can defeat the motion by making a strong showing that [writ] relief is unattainable” or by showing that the writ petition is frivolous or was filed for dilatory purposes. *Mikohn Gaming Corp.*, 120 Nev. at 253, 89 P.3d at 40.

Here, it is likely that this Court will consider the Writ Petition and grant the relief requested. As detailed in the Writ Petition, the district court abused its discretion by compelling the production of nearly 200 privileged communications based on the crime-fraud exception to the attorney-client privilege. This Court has said that it “will intervene [on discovery issues] when the district court issues an order requiring disclosure of privileged information.” *Toll*, 135 Nev. at 432, 453 P.3d at 1217. Further, this Court has not yet defined the parameters of NRS 49.115(1). *See Diaz*, 116 Nev. at 93, 993 P.2d at 54 (noting writ relief may be appropriate where a “writ petition offers this court a unique opportunity to define the precise parameters of [a] privilege conferred by a statute that this court has never interpreted.”) (alteration in original) (internal quotation marks omitted).

Aside from improperly compelling the disclosure of privileged communications, the district court (i) made factual findings without substantial evidence from the record, (ii) misapplied the law related to the crime-fraud exception to the attorney-client privilege, (iii) erred in its interpretation of Seibel's Prenuptial Agreement and The Seibel Family 2016 Trust, and (iv) improperly disclosed privileged communications to the parties in the case without affording the Petitioners an opportunity to seek appellate review.

Because it is likely that this Court will issue a writ, the fourth factor weighs in favor of a stay.

IV. CONCLUSION

For the reasons set forth above, this Court should stay the district court proceedings until it rules on the Writ Petition. A stay will avoid defeating the object of the Writ Petition and, unlike Caesars (and the other parties), the Petitioners will suffer serious injury for which they would have no remedy if they are compelled to disclose privileged communications. Their Writ Petition is meritorious, and this Court should grant this Motion in its entirety.

DATED this 4th day of November, 2021.

BAILEY ❖ KENNEDY

By: /s/ Dennis L. Kennedy

Attorneys for Petitioners

NRAP 27(e) CERTIFICATE

I, Dennis L. Kennedy, declare as follows:

1. I am a partner of Bailey❖Kennedy, LLP, counsel for the Petitioners/Development Parties in the above-captioned proceeding.
2. I make this Certificate in support of Petitioners' Emergency Motion for a Stay of Compliance with the District Court's Order Compelling Production of Attorney-Client Privileged Documents. I am competent to testify to the facts stated herein, which are based on personal knowledge unless otherwise indicated, and would do so if requested.
3. The telephone numbers and office addresses for the district court and the attorneys for the Real Parties in Interest are as follows:

The Honorable Timothy C. Williams
District Court Judge
Eighth Judicial District Court
Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89155
(702) 671-4406

JAMES J. PISANELLI
DEBRA L. SPINELLI
M. MAGALI MERCERA
PISANELLI BICE PLLC
400 South 7th Street, Suite 300
Las Vegas, NV 89101
(702) 214-2100

Attorneys for Real Parties in Interest Desert Palace, Inc.; Paris Las Vegas Operating Company, LLC; PHWLTV, LLC; and Boardwalk Regency Corporation

4. Emergency relief is needed with regard to this Motion. As explained above, the district court ordered production of privileged communications by November 11, 2021, and a hearing on Petitioners' motion to stay (filed with the district court) on November 10, 2021. Unless the district court grants a stay, the Petitioners need emergency relief through a stay entered on or before **November 10, 2021** (November 11, 2021, is a non-judicial day—Veteran's Day), while this Court decides the Writ Petition filed concurrently herewith.

5. All grounds for a stay being advanced in this Motion have also been submitted to the district court on a motion for stay. (*See* Ex. 1.)

6. On November 4, 2021, Paul C. Williams, Esq. of Bailey❖Kennedy, LLP, notified the Nevada Supreme Court Clerk, via telephone, of the Petitioners' intent to file this Motion and seek relief on an emergency basis.

7. On November 4, 2021, Mr. Williams notified M. Magali Mercera, Esq. of Pisanelli Bice, counsel for Caesars, of the Petitioners' intent to file this Motion and seek relief on an emergency basis. Mr. Williams will email Ms. Mercera an unfiled copy of this Motion.

8. On November 4, 2021, Mr. Williams notified the district court, via telephone, of the Petitioners' intent to file this Motion and request for relief on an emergency basis.

9. As noted in the Certificate of Service, a file-stamped copy of this Motion is being served via U.S. Mail, first class postage prepaid, *and* through the Eighth Judicial District Court's electronic filing system. The district court will also be served with a copy of this Motion via hand delivery.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 4th day of November, 2021.

/s/ Dennis L. Kennedy
DENNIS L. KENNEDY

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ❖ KENNEDY and that on the 4th day of November, 2021, service of the foregoing was made by electronic service through the Nevada Supreme Court's electronic filing system, electronic service through the Eighth Judicial District Court's electronic filing system, hand delivery, and/or 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(es):

JAMES J. PISANELLI
DEBRA L. SPINELLI
M. MAGALI MERCERA
PISANELLI BICE PLLC
400 South 7th Street, Suite 300
Las Vegas, NV 89101

Email: JJP@pisanellibice.com
DLS@pisanellibice.com
MMM@pisanellibice.com
*Attorneys for Real Parties in Interest
Desert Palace, Inc.; Paris Las Vegas
Operating Company, LLC; PHWLV,
LLC; and Boardwalk Regency
Corporation*

HON. TIMOTHY C. WILLIAMS
DISTRICT JUDGE
EIGHTH JUDICIAL DISTRICT COURT
Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89155

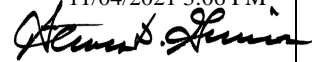
Email:
dept16lc@clarkcountycourts.us;
berkheimerl@clarkcountycourts.us

Respondent

/s/ Susan Russo
Employee of BAILEY ❖ KENNEDY

Exhibit 1

Exhibit 1


CLERK OF THE COURT

BAILEY ♦ KENNEDY
8984 SPANISH RIDGE AVENUE
LAS VEGAS, NEVADA 89148-1302
702.562.8820

MSTY (CIV)

JOHN R. BAILEY

Nevada Bar No. 0137

DENNIS L. KENNEDY

Nevada Bar No. 1462

JOSHUA P. GILMORE

Nevada Bar No. 11576

PAUL C. WILLIAMS

Nevada Bar No. 12524

BAILEY ♦ KENNEDY

8984 Spanish Ridge Avenue

Las Vegas, Nevada 89148-1302

Telephone: 702.562.8820

Facsimile: 702.562.8821

JBailey@BaileyKennedy.com

DKennedy@BaileyKennedy.com

JGilmore@BaileyKennedy.com

PWilliams@BaileyKennedy.com

*Attorneys for Rowen Seibel; 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; Craig Green;
R Squared Global Solutions, LLC, Derivatively on Behalf of DNT Acquisition,
LLC; and GR Burgr, LLC*

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,

vs.

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 CLAIMS.

Case No. A-17-751759-B

Dept. No. XVI

Consolidated with A-17-760537-B

(HEARING REQUESTED)

**THE DEVELOPMENT ENTITIES,
ROWEN SEIBEL, AND CRAIG GREEN'S
MOTION TO STAY PROCEEDINGS
PENDING THE OUTCOME OF A
PETITION FOR EXTRAORDINARY
WRIT RELIEF**

ON ORDER SHORTENING TIME

Pursuant to NRAP 8 and the inherent authority of this Court, the Development Parties¹ move to stay all proceedings (the “Motion to Stay”) pending the outcome of a Petition for Extraordinary Writ Relief to be filed with the Nevada Supreme Court (the “Writ Petition”) concerning the following orders: (i) the Findings of Fact, Conclusions of Law, and Order Granting Caesars’² Motion to Compel Documents Withheld on the Basis of Attorney-Client Privilege Pursuant to the Crime-Fraud Exception, entered on June 8, 2021 (the “Initial Order”); (ii) the Findings of Fact, Conclusions of Law, and Order Granting Caesars’ Motion to Compel Documents Withheld on the Basis of Attorney-Client Privilege Pursuant to the Crime-Fraud Exception, entered on October 28, 2021 (the “Supplemental Order”); and (iii) the Order Granting in Part, and Denying in Part, the Development Parties’ Motion to Compel the Return, Destruction, or Sequestering of the Court’s August 19, 2021, Minute Order Containing Privileged Attorney-Client Communications, entered on November 3, 2021 (the “Clawback Order”) (collectively, the “Orders”).

As detailed below, this Court’s Supplemental Order requires the Development Parties to disclose privileged communications to opposing parties in this case on or before November 11, 2021. Additionally, the Initial and Supplemental Orders contain numerous erroneous findings that bear upon the motions for summary judgment filed by Caesars and Gordon Ramsay, which are currently set to be heard on December 6, 2021. The Writ Petition will seek to: (i) vacate the Orders; (ii) direct entry of an order denying Caesars’ Motion to Compel Documents Withheld on the Basis of Attorney-Client Privilege Pursuant to the Crime-Fraud Exception, filed on January 6, 2021 (the “Motion to Compel”) in its entirety; and (iii) direct entry of an order granting the Development Parties’ Motion to Compel the Return, Destruction, or Sequestering of the Court’s August 19, 2021, Minute Order Containing Privileged Attorney-Client Communications, filed on August 30, 2021 (the “Clawback Motion”) in its entirety. If the Development Parties are required to disclose privileged communications prior to the resolution of their Writ Petition and the findings

¹ “Development Parties” refers to Rowen Seibel, Craig Green, 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”); and GR Burgr, LLC.

² “Caesars” refers to PHWL, 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 (“CAC”).

1 from the Initial and Supplemental Orders are not vacated before summary judgment is decided, the
2 primary object of the Writ Petition will be defeated. Thus, a stay of the proceedings is warranted.

3 This Motion to Stay is made and based upon the following Memorandum of Points and
4 Authorities, the papers and pleadings on file, and any oral argument as may be heard by the Court.

5 DATED this 3rd day of November, 2021.

6 BAILEY ♦ KENNEDY

7 By: /s/ Paul C. Williams

8 JOHN R. BAILEY

DENNIS L. KENNEDY

JOSHUA P. GILMORE

9 PAUL C. WILLIAMS

10 *Attorneys for the Development Parties*

11 **APPLICATION FOR ORDER SHORTENING TIME**

12 Pursuant to EDCR 2.26, the Development Parties apply for an Order Shortening Time in
13 which their Motion to Stay is to be heard. If the Motion to Stay is heard in the ordinary course, the
14 object of the Writ Petition will be defeated, because the deadline for the Development Parties to
15 produce privileged communications to opposing parties is November 11, 2021. Further, motions
16 for summary judgment are currently set to be heard on December 6, 2021. If the Motion to Stay is
17 heard in the ordinary course, the Development Parties will be required to disclose privileged
18 communications, and argument on summary judgment will proceed, thus mooted this Motion to
19 Stay. Accordingly, the Development Parties respectfully request that this Court set a hearing on
20 their Motion to Stay on or before November 8, 2021. An Order Shortening Time is included below.

21 This Application is made and based upon the following Declaration of Paul C. Williams,
22 Esq.

23 DATED this 3rd day of November, 2021.

24 BAILEY ♦ KENNEDY

25 By: /s/ Paul C. Williams

26 JOHN R. BAILEY

DENNIS L. KENNEDY

JOSHUA P. GILMORE

27 PAUL C. WILLIAMS

28 *Attorneys for the Development Parties*

**DECLARATION OF PAUL C. WILLIAMS, ESQ. IN SUPPORT OF
APPLICATION FOR ORDER SHORTENING TIME**

I, Paul C. Williams, Esq., declare as follows:

1. I am over eighteen years of age and I am competent to testify to the facts stated herein, which are based on personal knowledge unless otherwise indicated, and if called upon to testify, I could and would testify competently to the following.

2. I am a resident of Clark County, Nevada, and a partner of the law firm of Bailey ♦ Kennedy, LLP, counsel for the Development Parties in the above matter (the “Matter”).

3. I make this Declaration in support of the Development Parties’ Application to shorten the time for the hearing on their Motion to Stay.

4. Good cause exists to hear the Motion to Stay on shortened time. If the Motion to Stay is heard in the ordinary course, the object of the Writ Petition—to prevent the disclosure of privileged attorney-client communications and to vacate the findings in the Initial and Supplemental Orders, before summary judgment motions are heard and decided—will be defeated.

5. The deadline for the Development Parties to disclose the privileged communications to opposing parties is November 11, 2021.

6. Motions for summary judgment are currently set to be heard on December 6, 2021.

7. If the Motion to Stay is heard in the ordinary course, the Development Parties will be required to disclose privileged communications, and argument on the motions for summary judgment will proceed, before this Court has a chance to consider this Motion to Stay. This sequence would defeat the object of the Writ Petition—as the Nevada Supreme Court has said, there is “no adequate remedy at law that could restore the privileged nature of the information, because once such information is disclosed, it is irretrievable.” *See Valley Health Sys., Ltd. Liab. Co. v. Eighth Jud. Dist. Ct.*, 127 Nev. 167, 172, 252 P.3d 676, 679 (2011).

8. Accordingly, the Development Parties respectfully request that this Court set a hearing on their Motion to Stay as soon as possible.

9. A true and correct copy of a letter (including an attachment) from myself to the Court, dated October 27, 2021, setting forth the Development Parties’ objections to the content of

1 the Supplemental Order and including a competing version of the Supplemental Order that was
2 rejected by this Court, is attached as Exhibit A to the Development Parties' Notice of Submission of
3 Competing Order Concerning Supplemental Findings of Fact, Conclusions of Law, and Order
4 Granting Caesars' Motion to Compel Documents Withheld on the Basis of Attorney-Client
5 Privilege Pursuant to the Crime-Fraud Exception, filed on October 28, 2021.

6 10. This Application is made in good faith and without improper motive.

7 I declare under penalty of perjury that the foregoing is true and correct.

8 EXECUTED on this 3rd day of November, 2021.

9
10 /s/ Paul C. Williams
PAUL C. WILLIAMS

MH
Ent

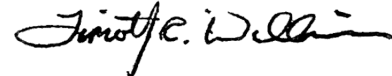
ORDER SHORTENING TIME

The Court, having considered the Development Parties' Application for Order Shortening Time, and the Declaration of Paul C. Williams, Esq., in support thereof, and good cause appearing,

HEREBY ORDERS that the time for hearing on The Development Entities, Rowen Seibel, and Craig Green's Motion to Stay Proceedings Pending the Outcome of a Petition for Extraordinary Writ Relief be **SHORTENED**, and the same shall be heard on the 10th day of November, 2021, at 10:00 a.m. .m., in Department XVI of the Eighth Judicial District Court, Clark County, Nevada, located at the Regional Justice Center, 200 Lewis Avenue, in Las Vegas, Nevada, or as soon thereafter as counsel can be heard.

IT IS SO ORDERED.

Dated this 4th day of November, 2021



MH

659 4C3 87E5 EEA0
Timothy C. Williams
District Court Judge

Respectfully Submitted By:

BAILEY ♦ KENNEDY

By: /s/ Paul C. Williams

JOHN R. BAILEY

DENNIS L. KENNEDY

JOSHUA P. GILMORE

PAUL C. WILLIAMS

Attorneys for the Development Parties

*BlueJeans Dial-in:

1-408-419-1715

Meeting ID: 305 354 001

Participant Passcode: 2258

Online:

<https://bluejeans.com/305354001/2>

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This Court should stay all proceedings pending resolution of the Development Parties’ forthcoming Writ Petition. This Court’s Supplemental Order commands the Development Parties to disclose privileged communications to opposing parties in this case on or before November 11, 2021. Further, both the Initial and Supplemental Orders contain erroneous findings that bear upon ultimate issues in this case currently before this Court on motions for summary judgment filed by Caesars and Ramsay, which are set to be heard on December 6, 2021. The Development Parties’ Writ Petition seeks to vacate these Orders, direct entry of an order denying Caesars’ Motion to Compel in its entirety, and direct entry of an order granting the Development Parties’ Clawback Motion in its entirety. If a stay is not entered, then the object of the Writ Petition—to prevent the Development Parties from having to disclose privileged communications and to vacate the Orders before summary judgment is considered—will be defeated. Further, if the documents are disclosed before the Nevada Supreme Court has an opportunity to consider the Writ Petition, their privileged nature will be lost and cannot be retrieved. Accordingly, a stay is warranted.

As detailed below, the Nevada Supreme Court has repeatedly entertained writ petitions concerning orders that require the disclosure of privileged information. The reasoning behind the Nevada Supreme Court’s intervention is simple: If the “order requires the disclosure of privileged material, there would be no adequate remedy at law that could restore the privileged nature of the information, because once such information is disclosed, it is irretrievable.” *See Valley Health Sys., LLC*, 127 Nev. at 171-72, 252 P.3d at 679.

Here, because the Supplemental Order requires the Development Parties to disclose privileged communications, it is very likely that the Nevada Supreme Court will entertain the Writ Petition. *See Toll v. Wilson*, 135 Nev. 430, 432, 453 P.3d 1215, 1217 (2019) (“[T]his court will intervene when the district court issues an order requiring disclosure of privileged information.”). This is particularly true because the Writ Petition provides an opportunity for the Nevada Supreme Court to issue guidance on a statutory exception to a statutory privilege, NRS 49.115(1), that it has not yet interpreted in a published opinion. *See Diaz v. Eighth Jud. Dist. Ct.*, 116 Nev. 88, 93, 993

1 P.2d 50, 54 (2000) (noting writ relief may be appropriate where a “writ petition offers this court a
2 unique opportunity to define the precise parameters of [a] privilege conferred by a statute that this
3 court has never interpreted”) (alteration in original) (internal quotation marks omitted).

4 This Court analyzes four factors in determining whether to issue a stay. All four factors
5 support the issuance of a stay in this case.

6 **First**, the object of the Writ Petition will be defeated if a stay is not entered because the
7 Development Parties will be forced to disclose privileged communications and, as a result, the
8 “assertedly privileged information would irretrievably lose its confidential and privileged quality.”
9 *Wardleigh v. Second Jud. Dist. Ct.*, 111 Nev. 345, 350-51, 891 P.2d 1180, 1183-84 (1995). Further,
10 summary judgment motions will be heard and decided before the Development Parties have an
11 opportunity to have the Nevada Supreme Court decide whether to vacate the findings in the Initial
12 and Supplemental Orders—findings which arguably bear directly on the ultimate issues in this case.

13 **Second**, the Development Parties will suffer irreparable injury if a stay is not entered
14 because the bell of compelled disclosure of privileged communications cannot be un-rung. *See id.*

15 **Third**, Caesars, Ramsay, and Original Homestead Restaurant, Inc. (“OHR”) will suffer little
16 to no harm from a stay. The Nevada Supreme Court has previously held that delay in litigation,
17 without more, is not a sufficient ground to oppose a stay.

18 **Finally**, respectfully, the Nevada Supreme Court is likely to grant the Writ Petition, as
19 Caesars did not meet its burden to set aside the attorney-client privilege between Seibel and his
20 counsel. At a minimum, the Nevada Supreme Court previously acknowledged that once this Court
21 completed its *in camera* review of the documents, and if it ordered the Development Parties to
22 disclose those documents to opposing parties in this case, then the Development Parties would have
23 the ability to seek writ relief. *See* Ord. Denying Pet. for Writ of Prohibition, *Seibel v. Eighth Jud.*
24 *Dist. Ct.*, No. 83071 (June 18, 2021).

25 In sum, this Court should stay proceedings pending the Nevada Supreme Court’s disposition
26 of the Writ Petition. *See Cotter v. Eighth Jud. Dist. Ct.*, 134 Nev. 235, 249 n.2, 416 P.3d 228, 231
27 n.2 (2018) (noting that the court had granted an “emergency motion for stay pending resolution of
28 ... writ petition” that challenged an order requiring a party to divulge privileged communications).

II. RELEVANT PROCEDURAL HISTORY

A. Caesars Moves to Compel Production of the Development Parties' Communications With Their Attorneys Based on the Crime-Fraud Exception.

On January 6, 2021, Caesars moved to compel documents based on the crime-fraud exception. (Caesars' Mot. to Compel Docs. Withheld on the Basis of the Attorney-Client Privilege Pursuant to the Crime-Fraud Exception, Jan. 6, 2021.) On January 22, 2021, the Development Parties filed their Opposition to the Motion to Compel. (Rowen Seibel, Craig Green, & the Development Entities' Opp'n to Caesars' Mot. to Compel Docs. Withheld on the Basis of the Attorney-Client Privilege Pursuant to the Crime-Fraud Exception, Jan. 22, 2021.) On February 3, 2021, Caesars filed its Reply. (Reply in Support of Caesars' Mot. to Compel Docs. Withheld on the Basis of the Attorney-Client Privilege Pursuant to the Crime-Fraud Exception, Feb. 3, 2021.)

B. This Court Grants Caesars' Motion to Compel.

On February 24, 2021, this Court held a hearing on the Motion to Compel. On April 12, 2021, this Court issued a Minute Order granting the Motion to Compel. (Apr. 12, 2021, Minute Order.) In its Minute Order, this Court determined that "Caesars ha[d] met its initial burden of proof by establishing that Plaintiff Seibel's representations as to the independence of the Seibel Family 2016 Trust were unfounded, and Plaintiff Seibel could continue to benefit from the agreements despite unsuitability to conduct business with a gaming licensee." (*Id.*) This Court further held that "an issue exists as to the effect of Plaintiff Seibel's prenuptial agreement with his wife and the interplay with the trust." (*Id.*)

Through the Minute Order, this Court directed Caesars to prepare an order based on the Minute Order, arguments of counsel, and the entire record, and circulate it to the Development Parties for review prior to submission to this Court. (*Id.*) If the parties could not agree on the contents, they were to submit competing orders. (*Id.*)

C. The Parties Submit Competing Orders; the Court Adopts Caesars' Order.

Ultimately, the parties could not agree on language for the order and submitted competing versions. (*E.g.*, Ex. A to Mot. to Stay Compliance with the Court's June 8, 2021 Ord. Pending Pet. for Extraordinary Writ Relief, June 3, 2021 ("First Motion to Stay"), Letter from Joshua P. Gilmore

1 to the Court.) On June 8, 2021, this Court adopted Caesars’ version of the Order. (*See* Order, June
2 8, 2021.) The June 8, 2021, Order required the Development Parties to submit privileged
3 communications for *in camera* review by June 18, 2021. (Notc. of Entry of Findings of Fact,
4 Concl. of Law, & Ord., June 8, 2021.) The Development Parties subsequently asked this Court to
5 stay compliance with the June 8, 2021, Order, to allow them to seek writ relief from the Nevada
6 Supreme Court. (First Mot. to Stay.) The Development Parties further asked this Court to hear the
7 First Motion to Stay on shortened time or, if it could not hear the First Motion to Stay prior to the
8 date to comply with the June 8, 2021, Order, that it stay compliance with the June 8, 2021, Order
9 pending its disposition of the First Motion to Stay. (*See id.*) This Court set the First Motion to Stay
10 for a hearing on June 24, 2021, after the date for compliance, and declined to stay compliance with
11 the June 8, 2021, Order pending its disposition. (Order Shortening Time, June 10, 2021.)

12 **D. The Development Parties Seek a Stay and a Writ of Prohibition from the**
13 **Nevada Supreme Court.**

14 Because the relief sought in the First Motion to Stay was unavailable in the district court,
15 NRAP 27(e), the Development Parties sought an emergency motion to stay from the Nevada
16 Supreme Court when filing a Petition for Extraordinary Writ Relief related to the June 8, 2021,
17 Order (the “Initial Writ Petition”). *See* Ord. Denying Pet. for Writ of Prohibition, *Seibel v. Eighth*
18 *Jud. Dist. Ct.*, No. 83071 (June 18, 2021). The Nevada Supreme Court subsequently denied the
19 Writ Petition, concluding that the June 8, 2021, Order merely required turnover of the documents to
20 this Court for *in camera* review and that the Development Parties would have an opportunity to file
21 a writ petition if the district court ultimately ordered the Development Parties to disclose the
22 privileged documents to opposing parties. *Id.* In light of that decision, the Nevada Supreme Court
23 denied the request for an emergency stay as moot. *Id.*

24 **E. This Court Reviews the Privileged Documents *In Camera* and Orders**
25 **Disclosure.**

26 On June 18, 2021, the Development Parties delivered the privileged documents to this Court
27 for *in camera* review. (*See* Notice of Compliance with Initial Order, June 6, 2018.) On August 19,
28 2021, this Court issued a minute order (the “Minute Order”) setting forth its ruling that all

1 privileged communications were to be disclosed to the opposing parties. (*See* Minute Order.) This
2 Court identified three out of the nearly 200 communications as the basis for finding that all of the
3 communications are discoverable. (*Id.*) However, instead of simply referencing the documents that
4 formed the basis of its decision, this Court quoted various privileged communications, thereby
5 disclosing them to the parties in this case before the Development Parties could seek writ relief
6 from the Nevada Supreme Court. (*Id.*)

7 **F. The Development Parties Seek to Claw Back the Minute Order.**

8 On August 30, 2021, the Development Parties moved to claw back the Minute Order. (*See*
9 Clawback Motion.) On September 22, 2021, this Court held a hearing on the Clawback Motion.
10 During the hearing, this Court granted in part, and denied in part, the Clawback Motion. This Court
11 held that Caesars may utilize the Minute Order—including the privileged communications divulged
12 by this Court—for purposes of the Development Parties’ forthcoming Writ Petition. (*See* Order
13 Granting in Part, & Denying in Part, the Development Entities, Rowen Seibel, & Craig Green’s
14 Mot. to Compel the Return, Destruction, or Sequestering of the Court’s Aug. 19, 2021 Minute
15 Order Containing Privileged Attorney-Client Communications, Nov. 3, 2021.)

16 The Development Parties now again ask this Court to stay proceedings to allow them to file
17 their Writ Petition.

18 **III. ARGUMENT**

19 **A. Standard of Decision.**

20 This Court has the inherent power to grant a stay “as a matter of controlling [its] docket and
21 calendar.” *Evanston Ins. Co. v. 70 Ltd. P’ship*, No. 2:14-cv-01370-RFB-NJK, 2014 WL 6882415,
22 at *1 (D. Nev. Dec. 5, 2014) (citing *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936)). In
23 deciding whether to issue a stay pending the Nevada Supreme Court’s review of a writ petition, a
24 court evaluates: “(1) whether the object of the appeal or writ petition will be defeated if the stay or
25 injunction is denied; (2) whether appellant/petitioner will suffer irreparable or serious injury if the
26 stay or injunction is denied; (3) whether respondent/real party in interest will suffer irreparable or
27 serious injury if the stay or injunction is granted; and (4) whether appellant/petitioner is likely to
28 prevail on the merits in the appeal or writ petition.” NRAP 8(c); *Mikohn Gaming Corp. v. McCrea*,

1 120 Nev. 248, 251, 89 P.3d 36, 38 (2004). “[I]f one or two factors are especially strong, they may
2 counterbalance other weak factors.” *Mikohn Gaming Corp.*, 120 Nev. at 251, 89 P.3d at 38.

3 As shown below, this Court should stay proceedings pending the outcome of the Writ
4 Petition.

5 **B. The Object of the Writ Petition Will be Defeated Unless a Stay is Granted.**

6 Where the object of a writ petition will be defeated unless a stay is entered, “a stay is
7 generally warranted.” *See Mikohn Gaming Corp.*, 120 Nev. at 253, 89 P.3d at 40.

8 Here, without a stay, the Development Parties will be forced to disclose privileged
9 communications to the opposing parties without a ruling from the Nevada Supreme Court on the
10 Writ Petition. Plainly, requiring disclosure of the privileged communications would defeat the
11 primary object of the Writ Petition. As the Nevada Supreme Court has explained, “if improper
12 discovery were allowed, the assertedly privileged information would irretrievably lose its
13 confidential and privileged quality and petitioners would have no effective remedy, even by a later
14 appeal.” *Wardleigh*, 111 Nev. at 350-51, 891 P.2d at 1183-84; *accord Cotter*, 134 Nev. at 249, 416
15 P.3d at 231 (“[W]ithout writ relief, compelled disclosure of petitioner’s assertedly privileged
16 communication will occur and petitioner would have no effective remedy, even by subsequent
17 appeal.”); *Las Vegas Sands Corp. v. Eighth Jud. Dist. Ct.*, 130 Nev. 118, 122, 319 P.3d 618, 621
18 (2014) (“This case presents a situation where, if improperly disclosed, ‘the assertedly privileged
19 information would irretrievably lose its confidential and privileged quality and petitioners would
20 have no effective remedy, even by later appeal.’”) (quoting *Wardleigh*, 111 Nev. at 350-51, 891
21 P.2d at 1183-84); *Valley Health Sys., LLC*, 127 Nev. at 171-72, 252 P.3d at 679 (holding that where
22 an “order requires the disclosure of privileged material,” there is “no adequate remedy at law that
23 could restore the privileged nature of the information, because once such information is disclosed, it
24 is irretrievable”).

25 Additionally, if a stay is not entered, the erroneous findings contained in the Initial and
26 Supplemental Orders will remain in place as summary judgment motions are heard and decided by
27 this Court.

28 Accordingly, the first factor weighs *heavily* in favor of a stay.

1 **C. The Development Parties Will Suffer Irreparable Injury if a Stay is not Entered**
2 **Pending the Outcome of their Writ Petition; Conversely, Caesars, Ramsay, and**
3 **OHR will Suffer No Harm.**

4 “[I]n certain cases, a party may face actual irreparable harm, and in such cases the likelihood
5 of irreparable harm should be considered in the stay analysis.” *Mikohn Gaming Corp.*, 120 Nev. at
6 253, 89 P.3d at 39.

7 As the Nevada Supreme Court has said, the “resulting prejudice” from disclosure of
8 privileged communications prior to appellate review would “not only be irreparable, but of a
9 magnitude that could require the imposition of such drastic remedies as dismissal with prejudice or
10 other similar sanctions.” *Cotter*, 134 Nev. 235, 249, 416 P.3d at 231; *see also Las Vegas Sands*
11 *Corp.*, 130 Nev. at 122, 319 P.3d at 621; *Valley Health*, 127. at Nev 171, 252 P.3d at 678-79;
12 *Wardleigh*, 111 Nev. at 350-51, 891 P.2d at 1183-84. Conversely, when “the only cognizant harm
13 threatened to the parties is increased litigation costs and delay,” they do not face any irreparable
14 harm. *Mikohn Gaming Corp.*, 120 Nev. at 253, 89 P.3d at 39.

15 Here, the Development Parties will suffer serious injury if a stay is not entered, whereas
16 Caesars (and the other parties) will not. Specifically, compelled disclosure of privileged
17 communications results in a prejudice that is irreparable and cannot be restored. If a stay is not
18 entered and the Development Parties ultimately prevail before the Nevada Supreme Court, their
19 victory will be hollow, because the bell, once rung, cannot be un-rung.

20 Conversely, Caesars (and the other parties) will not suffer irreparable or serious harm if this
21 Court grants a stay. As a matter of law, mere delay does not constitute irreparable harm. *See*
22 *Mikohn Gaming Corp.*, 120 Nev. at 253, 89 P.3d at 39.

23 Accordingly, the second and third factors weigh in favor of granting a stay.

24 **D. The Development Parties are Likely to Prevail on the Merits of their Writ**
25 **Petition.**

26 Under the fourth factor, the party opposing the stay “can defeat the motion by making a
27 **strong showing** that [writ] relief is unattainable.” *Mikohn Gaming Corp.*, 120 Nev. at 253, 89 P.3d
28 at 40. (emphasis added). Alternatively, the opposing party can defeat the motion by showing that
the writ petition is frivolous or was filed for dilatory purposes. *See id.*

1 Here, respectfully, it is likely that the Nevada Supreme Court will consider the Writ Petition
2 and grant the relief requested by the Development Parties. In brief, as detailed in the Development
3 Parties' Opposition to the Motion to Compel, Caesars failed to meet its burden to justify piercing
4 the attorney-client privilege. The Nevada Supreme Court "will intervene [on discovery issues]
5 when the district court issues an order requiring disclosure of privileged information." *Toll*, 135
6 Nev. at 432, 453 P.3d at 1217.

7 Moreover, the Nevada Supreme Court has not yet defined the parameters of NRS 49.115(1),
8 or the crime-fraud exception. Indeed, the Initial and Supplemental Orders were based on federal
9 common law regarding the crime-fraud exception. (*See, e.g.*, Initial Order at 5-7.)

10 Further, this Court made factual findings without substantial evidence in the record to reach
11 its conclusion that a legitimate attempt to dissociate—to the extent Seibel understood was needed
12 based on Caesars' prior conduct and communications (or rather, a complete lack thereof on
13 Caesars' part)—constituted an attempted fraud. In so doing, this Court (respectfully) erred in its
14 interpretation of the Seibel Family 2016 Trust and Seibel's Prenuptial Agreement. As a result, it is
15 likely that the Nevada Supreme Court will entertain the Writ Petition. *See Diaz*, 116 Nev. at 93,
16 993 P.2d at 54 (noting writ relief may be appropriate where a "writ petition offers this court a
17 unique opportunity to define the precise parameters of [a] privilege conferred by a statute that this
18 court has never interpreted") (alteration in original) (internal quotation marks omitted).

19 Lastly, the Nevada Supreme Court has already indicated that the Development Parties may
20 seek writ relief if this Court compels them to disclose privileged documents to Caesars, Ramsay,
21 and OHR. *See Ord. Denying Pet. for Writ of Prohibition, Seibel v. Eighth Jud. Dist. Ct.*, No. 83071
22 (June 18, 2021).

23 Accordingly, the fourth factor weighs in favor of a stay.

24 ///

25 ///

26 ///

27 ///

28 ///

1 IV. CONCLUSION

2 For the reasons set forth above, this Court should stay proceedings until the Nevada
3 Supreme Court rules on the Development Parties' Writ Petition. Without a stay, the object of the
4 Writ Petition will be defeated, and unlike Caesars, Ramsay, and OHR, the Development Parties will
5 suffer serious injury, for which they will have no effective remedy.

6 DATED this 3rd of November, 2021.

7 BAILEY ♦ KENNEDY

8 By: /s/ Paul C. Williams

9 JOHN R. BAILEY

DENNIS L. KENNEDY

10 JOSHUA P. GILMORE

PAUL C. WILLIAMS

11 *Attorneys for the Development Parties*

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Rowen Seibel, Plaintiff(s)

CASE NO: A-17-751759-B

7 vs.

DEPT. NO. Department 16

8 PHWLTV LLC, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order Shortening Time was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 11/4/2021

15 Robert Atkinson

robert@nv-lawfirm.com

16 Kevin Sutehall

ksutehall@foxrothschild.com

17 "James J. Pisanelli, Esq." .

lit@pisanellibice.com

18 "John Tennert, Esq." .

jtennert@fclaw.com

19 Brittnie T. Watkins .

btw@pisanellibice.com

20 Dan McNutt .

drm@cmlawnv.com

21 Debra L. Spinelli .

dls@pisanellibice.com

22 Diana Barton .

db@pisanellibice.com

23 Lisa Anne Heller .

lah@cmlawnv.com

24 Matt Wolf .

mcw@cmlawnv.com

25 PB Lit .

lit@pisanellibice.com

26
27
28

1	Paul Williams	pwilliams@baileykennedy.com
2	Dennis Kennedy	dkennedy@baileykennedy.com
3	Joshua Gilmore	jgilmore@baileykennedy.com
4	John Bailey	jbailey@baileykennedy.com
5	Bailey Kennedy, LLP	bkfederaldownloads@baileykennedy.com
6	Magali Mercera	mmm@pisanellibice.com
7	Cinda Towne	cct@pisanellibice.com
8	Daniel McNutt	drm@cmlawnv.com
9	Paul Sweeney	PSweeney@certilmanbalin.com
10	Nathan Rugg	nathan.rugg@bfkn.com
11	Steven Chaiken	sbc@ag-ltd.com
12	Alan Lebensfeld	alan.lebensfeld@lsandspc.com
13	Brett Schwartz	brett.schwartz@lsandspc.com
14	Doreen Loffredo	dloffredo@foxrothschild.com
15	Mark Connot	mconnot@foxrothschild.com
16	Joshua Feldman	jfeldman@certilmanbalin.com
17	Nicole Milone	nmilone@certilmanbalin.com
18	Karen Hippner	karen.hippner@lsandspc.com
19	Lawrence Sharon	lawrence.sharon@lsandspc.com
20	Emily Buchwald	eab@pisanellibice.com
21	Cinda Towne	Cinda@pisanellibice.com
22	Litigation Paralegal	bknotices@nv-lawfirm.com
23	Shawna Braselton	sbraselton@fennemorelaw.com
24		
25		
26		
27		
28		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Christine Gioe	christine.gioe@lsandspc.com
Trey Pictum	trey@mcnuttlawfirm.com
Monice Campbell	monice@envision.legal
Wade Beavers	wbeavers@fclaw.com
Sarah Hope	shope@fennemorelaw.com