

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROWEN A. SEIBEL; MOTI PARTNERS,  
LLC; MOTI PARTNERS 16, LLC; LLTQ  
ENTERPRISES, LLC; LLTQ  
ENTERPRISES 16, LLC; TPOV  
ENTERPRISES, LLC; TPOV 16  
ENTERPRISES, LLC; FERG, LLC;  
FERG 16, LLC; R SQUARED GLOBAL  
SOLUTIONS, LLC; DNT ACQUISITION,  
LLC; GR BURGR, LLC; AND CRAIG  
GREEN,

Petitioners,

vs.

THE 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

DÉSERT PALACE, INC.; PARIS LAS  
VEGAS OPERATING COMPANY, LLC;  
PHWLTV, LLC; AND BOARDWALK  
REGENCY CORPORATION,  
Real Parties in Interest.

No. 83723

FILED

NOV 10 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER DIRECTING ANSWER AND GRANTING STAY*

This original petition for a writ of mandamus or prohibition challenges a district court order granting a motion to compel disclosure of documents that petitioners assert are protected by the attorney-client

privilege.<sup>1</sup> Relatedly, petitioners also challenge an earlier order regarding the motion to compel and the district court's refusal to completely remedy the disclosure of part of the subject materials in its minutes. Petitioners have additionally filed an emergency motion to stay the district court proceedings, asserting that the object of the writ petition will be defeated absent a stay because they will be forced to disclose privileged materials and summary judgment motions will be decided based on erroneous findings rendered in resolving the motion to compel, as well as on the information disclosed by the district court. Real parties in interest have filed an opposition to the stay motion, and petitioners have filed a reply.

Having reviewed the petition and supporting documents, we conclude that an answer may assist this court in resolving the petition. Therefore, real parties in interest, on behalf of respondents, shall have 28 days from the date of this order within which to file and serve an answer, including authorities, against issuance of the requested writ. NRAP 21(b)(1). Petitioners shall have 14 days from service of the answer to file and serve any reply.


As to the stay motion, in considering whether to grant a stay pending our consideration of a writ petition, we are guided by the following factors: (1) whether the object of the petition will be defeated if the stay is denied; (2) whether petitioners will suffer irreparable or serious injury if the stay is denied; (3) whether real parties in interest will suffer irreparable

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<sup>1</sup>Petitioners' motion for leave to file a redacted petition and to file the unredacted petition under seal, along with several of the appendix volumes, based on district court protection orders in the underlying case, is granted. SRCR 3(4)(b) & 7. The clerk of this court shall file under seal the unredacted petition and volumes 7 through 17 of the appendix, all of which were provisionally received in this court on November 5, 2021.

or serious injury if the stay is granted; and (4) whether petitioners are likely to prevail on the merits of the petition. NRAP 8(c). Having considered the motion, opposition thereto, and reply in light of the above standard, we conclude that, on balance, the pertinent factors weigh in favor of staying the district court's order granting the motion to compel, only. Thus, while petitioners are not required to disclose the subject materials assertedly protected by the attorney-client privilege and the district court should not use those materials in making future decisions in the case for the duration of the stay, we decline to otherwise stay the district court proceedings. Accordingly, we grant the motion in part and stay the district court's order compelling disclosure pending further order of this court.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Cadish

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Herndon

cc: Hon. Timothy C. Williams, District Judge  
Bailey Kennedy  
Pisanelli Bice, PLLC  
Eighth District Court Clerk